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October 1983

U.S. DEPARTMENT OF TRANSPORTATION
Elizabeth H. Dole, Secretary
FEDERAL HIGHWAY ADMINISTRATION
Ray A. Barnhart, Administrator

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PART I. DEPARTMENT OF TRANSPORTATION ACT

Title 49, United States Code, "Transportation"

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CHAPTER 1—ORGANIZATION

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Sec. 101. Purpose.

(a) The national objectives of general welfare, economic growth and stability, and security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation of the resources of the United States.

(b) A Department of Transportation is necessary in the public interest and to—

(1) ensure the coordinated and effective administration of the transportation programs of the United States Government;

(2) make easier the development and improvement of coordinated transportation service to be provided by private enterprise to the greatest extent feasible;

(3) encourage cooperation of Federal, State, and local governments, carriers, labor, and other interested persons to achieve transportation objectives;

(4) stimulate technological advances in transportation;

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*Revised and recodified by Public Law 97–499, Jan. 12, 1983.

(5) provide general leadership in identifying and solving transportation problems; and

(6) develop and recommend to the President and Congress transportation policies and programs to achieve transportation objectives considering the needs of the public, users, carriers, industry, labor, and national defense.

Sec. 102. Department of Transportation

(a) The Department of Transportation is an executive department of the United States Government at the seat of Government.

(b) The head of the Department is the Secretary of Transportation. The Secretary is appointed by the President, by and with the advice and consent of the Senate.

(c) The Department has a Deputy Secretary of Transportation appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary—

(1) shall carry out duties and powers prescribed by the Secretary; and

(2) acts for the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant.

(d) The Department has 4 Assistant Secretaries and a General Counsel appointed by the President, by and with the advice and consent of the Senate. The Department also has an Assistant Secretary of Transportation for Administration appointed in the competitive service by the Secretary, with the approval of the President. They shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary or the General Counsel, in the order prescribed by the Secretary, acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of the Secretary and Deputy Secretary are vacant.

(e) The Department shall have a seal that shall be judicially recognized.

Sec. 103. Federal Railroad Administration.

(a) The Federal Railroad Administration is an administration in the Department of Transportation. To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.

(b) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary.

(c) The Administrator shall carry out—

(1) duties and powers related to railroad safety vested in the Secretary by section 6(e) (1), (2), and (6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e) (1), (2), and (6)(A)); and

(2) additional duties and powers prescribed by the Secretary.

(d) A duty or power specified by subsection (c)(1) of this section may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers and involving notice and hearing required by law is administratively final.

Sec. 104. Federal Highway Administration.

(a) The Federal Highway Administration is an administration in the Department of Transportation.

(b)(1) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary of Transportation.

(2) The Administration has a Deputy Federal Highway Administrator who is appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(3) The Administration has an Assistant Federal Highway Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator is the chief engineer of the Administration. The Assistant Administrator shall carry out duties and powers prescribed by the Administrator.

(c) The Administrator shall carry out—

(1) duties and powers vested in the Secretary by chapter 4 of title 23 for highway safety programs, research, and development related to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety;

(2) duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 31 of this title; and

(3) additional duties and powers prescribed by the Secretary.

(d) A duty or power specified by subsection (c)(2) of this section may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers and involving notice and hearing required by law is administratively final.

Sec. 105. National Highway Traffic Safety Administration.

(a) The National Highway Traffic Safety Administration is an administration in the Department of Transportation.

(b) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administration has a Deputy Administrator who is appointed by the Secretary of Transportation, with the approval of the President.

(c) The Administrator shall carry out—

(1) duties and powers vested in the Secretary by chapter 4 of title 23, except those related to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety; and

(2) additional duties and powers prescribed by the Secretary.

(d) The Secretary may carry out the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.) through the Administrator.

(e) The Administrator shall consult with the Federal Highway Administrator on all matters related to the design, construction, maintenance, and operation of highways.

Sec. 106. Federal Aviation Administration.

(a) The Federal Aviation Administration is an administration in the Department of Transportation.

(b) The head of the Administration is the Administrator. The Administration has a Deputy Administrator. They are appointed by the President, by and with the advice and consent of the Senate. When making an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. The Administrator reports directly to the Secretary of Transportation.

(c) The Administrator must—

(1) be a citizen of the United States;

(2) be a civilian; and

(3) have experience in a field directly related to aviation.

(d)(1) The Deputy Administrator must be a citizen of the United States and have experience in a field directly related to aviation. An officer on active duty in an armed force may be appointed as Deputy Administrator. However, if the Administrator is a former regular officer of an armed force, the Deputy Administrator may not be an officer on active duty in an armed force, a retired regular officer of an armed force, or a former regular officer of an armed force.

(2) An officer on active duty or a retired officer serving as Deputy Administrator is entitled to hold a rank and grade not lower than that held when appointed as Deputy Administrator. The Deputy Administrator may elect to receive (A) the pay provided by law for the Deputy Administrator, or (B) the pay and allowances or the retired pay of the military grade held. If the Deputy Administrator elects to receive the military pay and allowances or retired pay, the Administration shall

reimburse the appropriate military department from funds available for the expenses of the Administration.

(3) The appointment and service of a member of the armed forces as a Deputy Administrator does not affect the status, office, rank, or grade held by that member, or a right or benefit arising from the status, office, rank, or grade. The Secretary of a military department does not control the member when the member is carrying out duties and powers of the Deputy Administrator.

(e) The Administrator and the Deputy Administrator may not have a pecuniary interest in, or own stock in or bonds of, an aeronautical enterprise, or engage in another business, vocation, or employment.

(f) The Secretary shall carry out the duties and powers, and controls the personnel and activities, of the Administration. The Secretary may not submit decisions for the approval of, nor be bound by the decisions or recommendations of, a committee, board, or organization established by executive order.

(g) The Administrator shall carry out—

(1) duties and powers of the Secretary related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous materials) and vested in the Secretary by section 308(b) of this title and sections 306–309, 312–314, 1101, 1105, 1111 and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958 (49 U.S.C. 1347–1350, 1353–1355, 1421 et seq., 1441 et seq., 1471 et seq., 1501, 1505, 1511, and 1521 et seq.); and

(2) additional duties and powers prescribed by the Secretary.

(h) Section 103 of the Federal Aviation Act of 1958 (49 U.S.C. 1303) applies to duties and powers specified in subsection (g)(1) of this section. Any of those duties and powers may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers is administratively final.

(i) The Deputy Administrator shall carry out duties and powers prescribed by the Administrator. The Deputy Administrator acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.

Sec. 107. Urban Mass Transportation Administration.

(a) The Urban Mass Transportation Administration is an administration in the Department of Transportation.

(b) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary of Transportation.

(c) The Administrator shall carry out duties and powers prescribed by the Secretary.

Sec. 108. Coast Guard.

(a) Except when operating as a service in the Navy, the Coast Guard is a part of the Department of Transportation. The Secretary of Transportation exercises all duties and powers related to the Coast Guard vested in the Secretary of the Treasury, and other officers and offices of the Department of Treasury, immediately before April 1, 1967.

(b) The Commandant is the Chief of the Coast Guard. In addition to carrying out the duties and powers specified by law, the Commandant shall carry out duties and powers prescribed by the Secretary of Transportation. The Commandant reports directly to the Secretary.

Sec. 109. Maritime Administration.

(a) The Maritime Administration transferred by section 2 of the Maritime Act of 1981 (46 U.S.C. 1601) is an administration in the Department of Transportation.

(b) The Administrator of the Administration appointed under section 4 of the Maritime Act of 1981 (46 U.S.C. 1603) reports directly to the Secretary of Transportation.

Sec. 110. Saint Lawrence Seaway Development Corporation

(a) The St. Lawrence Seaway Development Corporation established under section 1 of the Act of May 13, 1954 (33 U.S.C. 981), is subject to the direction and supervision of the Secretary of Transportation.

(b) The Administrator of the Corporation appointed under section 2 of the Act of May 13, 1954 (33 U.S.C. 982), reports directly to the Secretary.

CHAPTER 3—GENERAL DUTIES AND POWERS

SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

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SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

Sec. 301. Leadership, consultation, and cooperation.

The Secretary of Transportation shall—

(1) under the direction of the President, exercise leadership in transportation matters, including those matters affecting national defense and those matters involving national or regional emergencies;

(2) provide leadership in the development of transportation policies and programs, and make recommendations to the President and Congress for their consideration and implementation;

(3) promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation;

(4) consult and cooperate with the Secretary of Labor in compiling information regarding the status of labor-management contracts and other labor-management problems and in promoting industrial harmony and stable employment conditions in all modes of transportation;

(5) promote and undertake research and development related to transportation, including noise abatement, with particular attention to aircraft noise;

(6) consult with the heads of other departments, agencies, and instrumentalities of the United States Government on the transportation requirements of the Government, including encouraging them to establish and observe policies consistent with maintaining a coordinated transportation system in procuring transportation or in operating their own transport services; and

(7) consult and cooperate with State and local governments, carriers, labor, and other interested persons, including, when appropriate, holding informal public hearings.

Sec. 302. Policy standards for transportation.

(a) The Secretary of Transportation is governed by the transportation policy of sections 10101 and 10101a of this title in addition to other laws.

(b) Subtitle I and chapter 31 of subtitle II of this title and the Department of Transportation Act (49 U.S.C. 1651 et seq.) do not authorize, without appropriate action by Congress, the adoption, revision, or implementation of a transportation policy or investment standards or criteria.

(c) The Secretary shall consider the needs—

(1) for effectiveness and safety in transportation systems; and

(2) of national defense.

Sec. 303. Policy on lands, wildlife and waterfowl refuges, and historic sites.

(a) It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

(b) The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.

(c) The Secretary may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—

(1) there is no prudent and feasible alternative to using that land; and

(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Sec. 304. Joint activities with the Secretary of Housing and Urban Development.

(a) The Secretary of Transportation and the Secretary of Housing and Urban Development shall—

(1) consult and exchange information about their respective transportation policies and activities;

(2) carry out joint planning, research, and other activities;

(3) coordinate assistance for local transportation projects; and

(4) jointly study methods by which policies and programs of the United States Government can ensure that urban transportation systems most effectively serve both transportation needs of the United States and the comprehensively planned development of urban areas.

(b) The Secretaries shall report on April 1 of each year to the President, for submission to Congress, on their studies and other activities under this section, including legislative recommendations they consider desirable.

Sec. 305. Transportation investment standards and criteria.

(a) Subject to sections 301–304 of this title, the Secretary of Transportation shall develop standards and criteria to formulate and economically evaluate all proposals for investing amounts of the United States Government in transportation facilities and equipment. Based on experience, the Secretary shall revise the standards and criteria. When approved by Congress, the Secretary shall prescribe standards and criteria developed or revised under this subsection. This subsection does not apply to—

(1) the acquisition of transportation facilities or equipment by a department, agency, or instrumentality of the Government to provide transportation for its use;

(2) an inter-oceanic canal located outside the 48 contiguous States;

(3) defense features included at the direction of the Department of Defense in designing and constructing civil air, sea, or land transportation;

(4) foreign assistance programs;

(5) water resources projects; or

(6) grant-in-aid programs authorized by law.

(b) A department, agency, or instrumentality of the Government preparing a survey, plan, or report that includes a proposal about which the Secretary has prescribed standards and criteria under subsection (a) of this section shall—

(1) prepare the survey, plan, or report under those standards and criteria and on the basis of information provided by the Secretary on the—

(A) projected growth of transportation needs and traffic in the affected area;

(B) the relative efficiency of various modes of transportation;

(C) the available transportation services in the area; and

(D) the general effect of the proposed investment on existing modes of transportation and on the regional and national economy;

(2) coordinate the survey, plan, or report—

(A) with the Secretary and include the views and comments of the Secretary; and

(B) as appropriate, with other departments, agencies, and instrumentalities of the Government, States, and local governments, and include their views and comments; and

(3) send the survey, plan, or report to the President for disposition under law and procedure established by the President.

Sec. 306. Prohibited discrimination.

(a) In this section, "financial assistance" includes obligation guarantees.

(b) A person in the United States may not be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a project, program, or activity because of race, color, national origin, or sex when any part of the project, program, or activity is financed through financial assistance under section 332 of this title, section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726), title V or VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq., 851 et seq.), or section 4(i) or 5 of the Department of Transportation Act (49 U.S.C. 1653(i), 1654).

(c) When the Secretary of Transportation decides that a person receiving financial assistance under a law referred to in subsection (b) of this section has not complied with that subsection, a Federal civil rights law, or an order or regulation issued under a Federal civil rights law, the Secretary shall notify the person of the decision and require the person to take necessary action to ensure compliance with that subsection.

(d) If a person does not comply with subsection (b) of this section within a reasonable time after receiving a notice under subsection (c) of this section, the Secretary shall take at least one of the following actions:

(1) direct that no more Federal financial assistance be provided the person.

(2) refer the matter to the Attorney General with a recommendation that a civil action be brought against the person.

(3) carry out the duties and powers provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(4) take other action provided by law.

(e) When a matter is referred to the Attorney General under subsection (d)(2) of this section, or when the Attorney General has reason to believe that a person is engaged in a pattern or practice violating this section, the Attorney General may begin a civil action in a district court of the United States for appropriate relief.

Sec. 307. Safety information and intervention in Interstate Commerce Commission proceedings.

(a) The Secretary of Transportation shall inspect promptly the safety compliance record in the Department of Transportation of each person applying to the Interstate Commerce Commission for authority to provide transportation or freight forwarder service. The Secretary shall report the findings of the inspection to the Commission.

(b) When the Secretary is not satisfied with the safety record of a person applying for permanent authority to provide transportation or freight forwarder service, or for approval of a proposed transfer of permanent authority, the Secretary shall intervene and present evidence of the fitness of the person to the Commission in its proceedings.

(c) When requested by the Commission, the Secretary shall—

(1) provide the Commission with a complete report on the safety compliance of a carrier providing transportation or freight forwarder service subject to its jurisdiction;

(2) provide promptly a statement of the safety record of a person applying to the Commission for temporary authority to provide transportation;

(3) intervene and present evidence in a proceeding in which a finding of fitness is required; and

(4) make additional safety compliance surveys and inspections the Commission decides are desirable to allow it to act on an application or to make a finding on the fitness of a carrier.

Sec. 308. Annual reports.

(a) As soon as practicable after the end of each fiscal year, the Secretary of Transportation shall report to the President, for submission to Congress, on the activities of the Department of Transportation during the prior fiscal year. The report shall include a complete statement on the effectiveness of the United States Railway Association and the Consolidated Rail Corporation in carrying out the purposes of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

(b) The Secretary shall submit to the President and Congress each year a report on the aviation activities of the Department. The report shall include—

(1) collected information the Secretary considers valuable in deciding questions about—

(A) the development and regulation of civil aeronautics;

(B) the use of airspace of the United States; and

(C) the improvement of the air navigation and traffic control systems; and

(2) recommendations for additional legislation and other action the Secretary considers necessary.

(c) The Secretary shall submit to Congress each year a report on the conditions of the public ports of the United States, including the—

(1) economic and technological development of the ports;

(2) extent to which the ports contribute to the national welfare and security; and

(3) factors that may impede the continued development of the ports.

SUBCHAPTER II—ADMINISTRATIVE

Sec. 321. Definitions.

In this subchapter, "aeronautics", "air commerce", and "air navigation facility" have the same meanings given those terms in section 101(2), (4), and (8) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(2), (4), (8)), respectively.

Sec. 322. General powers.

(a) The Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. An officer of the Department of Transportation may prescribe regulations to carry out the duties and powers of the officer.

(b) The Secretary may delegate, and authorize successive delegations of, duties and powers of the Secretary to an officer or employee of the Department. An officer of the Department may delegate, and authorize successive delegations of, duties and powers of the officer to another officer or employee of the Department. However, the duties and powers specified in sections 103(c)(1), 104(c)(1), and 106(g)(1) of this title may not be delegated to an officer or employee outside the Administration concerned.

(c) On a reimbursable basis when appropriate, the Secretary may, in carrying out aviation duties and powers—

(1) use the available services, equipment, personnel, and facilities of other civilian or military departments, agencies, and instrumentalities of the United States Government, with their consent;

(2) cooperate with those departments, agencies, and instrumentalities in establishing and using aviation services, equipment, and facilities of the Department; and

(3) confer and cooperate with, and use the services, records, and facilities of, State, territorial, municipal, and other agencies.

(d) The Secretary may make expenditures to carry out aviation duties and powers, including expenditures for—

(1) rent and personal services;

(2) travel expenses;

(3) office furniture, equipment, supplies, lawbooks, newspapers, periodicals, and reference books, including exchanges;

(4) printing and binding;

(5) membership in and cooperation with domestic or foreign organizations related to, or a part of, the civil aeronautics industry or the art of aeronautics;

(6) payment of allowances and other benefits to employees stationed in foreign countries to the same extent authorized for members of the Foreign Service of comparable grade;

(7) investigations and studies about aeronautics; and

(8) acquiring, exchanging, operating, and maintaining passenger-carrying aircraft and automobiles and other property.

(e) The Secretary may negotiate, without advertising, the purchase of technical or special property related to air navigation when the Secretary decides that—

(1) making the property would require a substantial initial investment or an extended period of preparation; and

(2) procurement by advertising would likely result in additional cost to the Government by duplication of investment or would result in duplication of necessary preparation that would unreasonably delay procuring the property.

Sec. 323. Personnel.

(a) The Secretary of Transportation may appoint and fix the pay of officers and employees of the Department of Transportation and may prescribe their duties and powers.

(b) The Secretary may procure services under section 3109 of title 5. However, an individual may be paid not more than $100 a day for services.

Sec. 324. Members of the armed forces.

(a) The Secretary of Transportation—

(1) to ensure that national defense interests are safeguarded properly and that the Secretary is advised properly about the needs and special problems of the armed forces, shall provide for participation of members of the armed forces in carrying out the duties and powers of the Secretary related to the regulation and protection of air traffic, including providing for, and research and development of, air navigation facilities, and the allocation of airspace; and

(2) may provide for participation of members of the armed forces in carrying out other duties and powers of the Secretary.

(b) A member of the Coast Guard on active duty may be appointed, detailed, or assigned to a position in the Department of Transportation, except the position of Secretary, Deputy Secretary, or Assistant Secretary for Administration. A retired member of the Coast Guard may be appointed, detailed, or assigned to a position in the Department.

(c) The Secretary of Transportation and the Secretary of a military department may make cooperative agreements, including agreements on reimbursement as may be considered appropriate by the Secretaries, under which a member of the armed forces may be appointed, detailed, or assigned to the Department of Transportation under this section. The Secretary of Transportation shall send a report each year to the appropriate committees of Congress on agreements made to carry out subsection (a)(2) of this section, including the number, rank, and position of each member appointed, detailed, or assigned under those agreements.

(d) The Secretary of a military department does not control the duties and powers of a member of the armed forces appointed, detailed, or assigned under this section when those duties and powers pertain to the Department of Transportation. A member of the armed forces appointed, detailed, or assigned under subsection (a)(2) of this section may not be charged against a statutory limitation on grades or strengths of the armed forces. The appointment, detail, or assignment and service of a member under this section to a position in the Department of Transportation does not affect the status, office, rank, or grade held by that member, or a right or benefit arising from that status, office, rank, or grade.

Sec. 325. Advisory committees.

(a) Without regard to the provisions of title 5 governing appointment in the competitive service, the Secretary of Transportation may appoint advisory committees to consult with and advise the Secretary in carrying out the duties and powers of the Secretary.

(b) While attending a committee meeting or otherwise serving at the request of the Secretary, a member of an advisory committee may be paid not more than $100 a day. A member is entitled to reimbursement for expenses under section 5703 of title 5. This subsection does not apply to individuals regularly employed by the United States Government.

(c) A member of an advisory committee advising the Secretary in carrying out aviation duties and powers may serve for not more than 100 days in a calendar year.

Sec. 326. Gifts.

(a) The Secretary of Transportation may accept and use conditional or unconditional gifts of property for the Department of Transportation. The Secretary may accept a gift of services in carrying out aviation duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, under the terms of the gift.

(b) The Department has a fund in the Treasury. Disbursements from the fund are made on order of the Secretary. The fund consists of—

(1) gifts of money;

(2) income from property accepted under this section and proceeds from the sale of that property; and

(3) income from securities under subsection (c) of this section.

(c) On request of the Secretary of Transportation, the Secretary of the Treasury may invest and reinvest amounts in the fund in securities of, or in securities whose principal and interest is guaranteed by, the United States Government.

(d) Property accepted under this section is a gift to or for the use of the Government under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.).

Sec. 327. Administrative working capital fund.

(a) The Department of Transportation has an administrative working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services the Secretary of Transportation decides are desirable for the efficiency and economy of the Department. The services may include—

(1) a central supply service for stationery and other supplies and equipment through which adequate stocks may be maintained to meet the requirements of the Department;

(2) central messenger, mail, telephone, and other communications services;

(3) office space;

(4) central services for document reproduction, and for graphics and visual aids; and

(5) a central library service.

(b) Amounts in the fund are available without regard to fiscal year limitation. Amounts may be appropriated to the fund.

(c) The fund consists of—

(1) amounts appropriated to the fund;

(2) the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Secretary transfers to the fund, less the related liabilities and unpaid obligations;

(3) amounts received from the sale or exchange of property; and

(4) payments received for loss or damage to property of the fund.

(d) The fund shall be reimbursed, in advance, from amounts available to the Department or from other sources, for supplies and services at rates that will approximate the expenses of operation, including the accrual of annual leave and the depreciation of equipment. Amounts in the fund, in excess of amounts transferred or appropriated to maintain the fund, shall be deposited in the Treasury as miscellaneous receipts. All assets, liabilities, and prior losses are considered in determining the amount of the excess.

Sec. 328. Transportation Systems Center working capital fund.

(a) The Department of Transportation has a Transportation Systems Center working capital fund. Amounts in the fund are available for financing the activities of the Center, including research, development, testing, evaluation, analysis, and related activities the Secretary of Transportation approves, for the Department, other agencies, State and local governments, other public authorities, private organizations, and foreign countries.

(b) Amounts in the fund are available without regard to fiscal year limitation. Amounts may be appropriated to the fund.

(c) The capital of the fund consists of—

(1) amounts appropriated to the fund;

(2) net assets of the Center as of October 1, 1980, including unexpended advances made to the Center for which valid obligations were incurred before October 1, 1980;

(3) the reasonable value of property and other assets transferred to the fund after September 30, 1980, less the related liabilities and unpaid obligations; and

(4) the reasonable value of property and other assets donated to the fund.

(d) The fund shall be reimbursed or credited with—

(1) advance payments from applicable funds or appropriations of the Department and other agencies, and with advance payments from other sources, the Secretary authorizes, for—

(A) services at rates that will recover the expenses of operation, including the accrual of annual leave and overhead; and

(B) acquiring property and equipment under regulations the Secretary prescribes; and

(2) receipts from the sale or exchange of property or in payment for loss or damage of property held by the fund.

(e) The Secretary shall deposit at the end of each fiscal year, in the Treasury as miscellaneous receipts, amounts accruing in the fund that the Secretary decides are in excess of the needs of the fund.

Sec. 329. Transportation information.

(a) The Secretary of Transportation may collect and collate transportation information the Secretary decides will contribute to the improvement of the transportation system of the United States. To the greatest practical extent, the Secretary shall use information available from departments, agencies, and instrumentalities of the United States Government and other sources. To the extent practical, the Secretary shall make available to other Government departments, agencies, and instrumentalities and to the public the information collected under this subsection.

(b) The Secretary shall—

(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.) or the Civil Aeronautics Board under title IV of that Act (49 U.S.C. 1371 et seq.));

(2) study the possibilities of developing air commerce and the aeronautical industry; and

(3) exchange information on civil aeronautics with governments of foreign countries through appropriate departments, agencies, and instrumentalities of the Government.

(c)(1) On the written request of a person, a State, territory, or possession of the United States, or a political subdivision of a State, territory, or possession, the Secretary may—

(A) make special statistical studies on foreign and domestic transportation;

(B) make special studies on other matters related to duties and powers of the Secretary;

(C) prepare, from records of the Department of Transportation, special statistical compilations; and

(D) provide transcripts of studies, tables, and other records of the Department.

(2) The person or governmental authority requesting information under paragraph (1) of this subsection must pay the actual cost of preparing the information. Payments shall be deposited in the Treasury in an account that the Secretary shall administer. The Secretary may use amounts in the account for the ordinary expenses incidental to getting and providing the information.

(d) To assist in carrying out duties and powers under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), the Secretary of Transportation shall maintain separate cooperative agreements with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration for the timely exchange of information on their programs, policies, and requirements directly related to carrying out that Act.

Sec. 330. Research contracts.

(a) The Secretary of Transportation may make contracts with educational institutions, public and private agencies and organizations, and persons for scientific or technological research into a problem related to programs carried out by the Secretary. Before making a contract, the Secretary must require the institution, agency, organization, or person to show that it is able to carry out the contract.

(b) In carrying out this section, the Secretary shall—

(1) give advice and assistance the Secretary believes will best carry out the duties and powers of the Secretary;

(2) participate in coordinating all research started under this section;

(3) indicate the lines of inquiry most important to the Secretary; and

(4) encourage and assist in establishing and maintaining cooperation by and between contractors and between them and other research organizations, the Department of Transportation, and

other departments, agencies, and instrumentalities of the United States Government.

(c) The Secretary may distribute publications containing information the Secretary considers relevant to research carried out under this section.

Sec. 331. Service, supplies, and facilities at remote places.

(a) When necessary and not otherwise available, the Secretary of Transportation may provide for, construct, or maintain the following for officers and employees of the Department of Transportation and their dependents stationed in remote places:

(1) emergency medical services and supplies.

(2) food and other subsistence supplies.

(3) messing facilities.

(4) motion picture equipment and film for recreation and training.

(5) living and working quarters and facilities.

(6) reimbursement for food, clothing, medicine, and other supplies provided by an officer or employee in an emergency for the temporary relief of individuals in distress.

(b) The Secretary shall prescribe reasonable charges for services, supplies, and facilities provided under subsection (a) (1), (2), and (3) of this section. Amounts received under this subsection shall be credited to the appropriation from which the expenditure was made.

(c) When appropriations for a fiscal year for aviation duties and powers have not been made before June 1 immediately before the beginning of the fiscal year, the Secretary may designate an officer, and authorize that officer, to incur obligations to buy and transport supplies to carry out those duties and powers at installations outside the 48 contiguous States and the District of Columbia. The amount obligated under this subsection in a fiscal year may be not more than 75 percent of the amount available for buying and transporting supplies to those installations for the then current fiscal year. Payment of obligations under this subsection shall be made from appropriations for the next fiscal year when available.

Sec. 332. Minority Resource Center.

(a) In this section, "minority" includes women.

(b) The Department of Transportation has a Minority Resource Center. The Center may—

(1) include a national information clearinghouse for minority entrepreneurs and businesses to disseminate information to them on business opportunities related to the maintenance, rehabilitation, restructuring, improvement, and revitalization of the railroads of the United States;

(2) carry out market research, planning, economic and business analyses, and feasibility studies to identify those business opportunities;

(3) assist minority entrepreneurs and businesses in obtaining investment capital and debt financing;

(4) design and carry out programs to encourage, promote, and assist minority entrepreneurs and businesses in getting contracts, subcontracts, and projects related to those business opportunities;

(5) develop support mechanisms (including venture capital, surety and bonding organizations, and management and technical services) that will enable minority entrepreneurs and businesses to take advantage of those business opportunities;

(6) participate in, and cooperate with, United States Government programs and other programs designed to provide financial management, and other forms of support and assistance to minority entrepreneurs and businesses; and

(7) make arrangements to carry out this section.

(c) The Center has an advisory committee of 5 individuals appointed by the Secretary of Transportation. The Secretary shall make the appointments from lists of qualified individuals recommended by minority-dominated trade associations in the minority business community. Each of those trade associations may submit a list of not more than 3 qualified individuals.

(d) The United States Railway Association, the Consolidated Rail Corporation, and the Secretary shall provide the Center with relevant information (including procurement schedules, bids, and specifications on particular maintenance, rehabilitation, restructuring, improvement, and revitalization projects) the Center requests in carrying out this section.

Sec. 333. Responsibility for rail transportation unification and coordination projects.

(a) The Secretary of Transportation may develop and make available to interested persons any plans, proposals, and recommendations for mergers, consolidations, reorganizations, and other unification or coordination projects for rail transportation (including arrangements for joint use of tracks and other facilities and acquisition or sale of assets) that the Secretary believes will result in a rail system that is more efficient and consistent with the public interest.

(b) To achieve a more efficient, economical, and viable rail system in the private sector, the Secretary, when requested by a rail carrier and under this section, may assist in planning, negotiating, and carrying out a unification or coordination of operations and facilities of at least 2 rail carriers.

(c)(1) The Secretary may conduct studies to determine the potential cost savings and possible improvements in the quality of rail transportation that are likely to result from unification or coordination of at least 2 rail carriers, through—

(A) elimination of duplicating or overlapping operations and facilities;

(B) reducing switching operations;

(C) using the shortest or more efficient and economical routes;

(D) exchanging trackage rights;

(E) combining trackage and terminal or other facilities;

(F) upgrading tracks and other facilities used by at least 2 rail carriers;

(G) reducing administrative and other expenses; and

(H) other measures likely to reduce costs and improve rail transportation.

(2) When the Secretary requests information for a study under this section, a rail carrier shall provide the information requested. In carrying out this section, the Secretary may designate an officer or employee to get from a rail carrier information on the kind, quality, origin, destination, consignor, consignee, and routing of property. This information may be obtained without the consent of the consignor or consignee notwithstanding section 11910(a)(1) of this title. When appropriate, the designated officer or employee has the powers described in section 203(c) of the Regional Rail Reorganization Act of 1973 to carry out this section, but a subpena must be issued under the signature of the Secretary.

(d)(1) When requested by a rail carrier, the Secretary may hold conferences on and mediate disputes resulting from a proposed unification or coordination project. The Secretary may invite to a conference—

(A) officers and directors of an affected rail carrier;

(B) representatives of rail carrier employees who may be affected;

(C) representatives of the Interstate Commerce Commission;

(D) State and local government officials, shippers, and consumer representatives; and

(E) representatives of the Federal Trade Commission and the Attorney General.

(2) A person attending or represented at a conference on a proposed unification or coordination project is not liable under the antitrust laws of the United States for any discussion at the conference and for any agreements reached at the conference, that are entered into with the approval of the Secretary to achieve or determine a plan of action to carry out the unification or coordination project.

(e) When the approval of a proposal submitted by a rail carrier for a merger or other action is subject to the jurisdiction of the Interstate Commerce Commission under section 11343(a) of this title, the Secretary may study the proposal to decide whether it satisfies section 11344(b) of this title. When the proposal is the subject of an application and proceeding before the Commission, the Secretary may appear in any proceeding related to the application.

Sec. 334. Limit on aviation charges

The Secretary of Transportation may impose a charge for an approval, test, authorization, certificate, permit, registration, transfer, or rating related to aviation that has not been approved by Congress only when the charge (1) was in effect on January 1, 1973, and (2) is not more than the charge that was in effect on that date. However, this section does not apply to a charge for a test, authorization, certificate, permit, or rating related to an airman or repair station administered or issued outside of the United States, as defined in section 101(41) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(41)).

Sec. 335. Authorization of appropriations.

(a) The following amounts may be appropriated to the Secretary of Transportation:

(1) for necessary expenses of the Office of the Secretary (including not more than $27,000 for allocation within the Department of Transportation of official reception and representation expenses as determined by the Secretary) not more than $35,193,204 for each of the fiscal years ending September 30, 1983, and September 30, 1984.

(2) for necessary expenses of carrying out transportation planning, research, and development activities, including collecting national transportation statistics, $10,486,615 for each of the fiscal years ending September 30, 1983, and September 30, 1984.

(3) for necessary expenses of the Minority Business Resource Center not otherwise provided for, not more than $10,000,000 for each of the fiscal years ending September 30, 1983, and September 30, 1984, to remain available until expended.

(4) for necessary expenses of carrying out the duties and powers of the Research and Special Programs Administration, not more than $32,300,000 for the fiscal year ending September 30, 1983, and $33,300,000 for the fiscal year ending September 30, 1984.

(b) The Secretary may use only amounts appropriated for the Office of the Secretary that are authorized for that Office by subsection (a) of this section.

CHAPTER 5—SPECIAL AUTHORITY

SUBCHAPTER I—DUTIES AND POWERS

Sec.
501. Definitions and application.
502. General authority.
503. Service of notice and process on certain motor carriers of migrant workers and on motor private carriers.
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505. Arrangements and public records.
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SUBCHAPTER II—PENALTIES

521. Civil penalties.
522. Reporting and record keeping violations.
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524. Evasion of regulation of motor carriers.
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SUBCHAPTER I—DUTIES AND POWERS

Sec. 501. Definitions and application.

(a) In this chapter—

(1) the definitions in section 10102 of this title apply.

(2) "migrant worker" has the same meaning given that term in section 3101 of this title.

(3) "motor carrier of migrant workers" means a motor carrier of migrant workers subject to the jurisdiction of the Secretary of Transportation under section 3102(c) of this title.

(b) This chapter only applies in carrying out—

(1) chapter 31 of this title; and

(2) other duties and powers transferred to the Secretary under section 6(e) of the Department of Transportation Act (49 U.S.C. 1655(e)) and vested in the Interstate Commerce Commission before October 15, 1966.

Sec. 502. General authority.

(a) The Secretary of Transportation shall carry out this chapter.

(b) The Secretary may—

(1) inquire into and report on the management of the business of rail carriers and motor carriers;

(2) inquire into and report on the management of the business of a person controlling, controlled by, or under common control with those carriers to the extent that the business of the person is related to the management of the business of that carrier; and

(3) obtain from those carriers and persons information the Secretary determines to be necessary.

(c) In carrying out this chapter as it applies to motor carriers, motor carriers of migrant workers, and motor private carriers, the Secretary may—

(1) confer and hold joint hearings with State authorities;

(2) cooperate with and use the services, records, and facilities of State authorities; and

(3) make cooperative agreements with a State to enforce the safety laws and regulations of a State and the United States related to highway transportation.

(d) The Secretary may subpena witnesses and records related to a proceeding or investigation under this chapter from a place in the United States to the designated place of the proceeding or investigation. If a witness disobeys a subpena, the Secretary, or a party to a proceeding or investigation before the Secretary, may petition the district court for the judicial district in which the proceeding or investigation is conducted to enforce the subpena. The court may punish a refusal to obey an order of the court to comply with a subpena as a contempt of court.

(e)(1) In a proceeding or investigation, the Secretary may take testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding or investigation pending before the Secretary may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding or investigation is at issue on petition and answer. If a witness fails to be deposed or to produce records under this subsection, the Secretary may subpena the witness to take a deposition, produce the records, or both.

(2) A deposition may be taken before a judge of a court of the United States, a United States magistrate, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding or investigation.

(3) Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

(4) The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

(5) The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Secretary or agreed on by the parties by written stipulation filed with

the Secretary. The deposition shall be filed with the Secretary promptly.

(f) Each witness summoned before the Secretary or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

Sec. 503. Service of notice and process on certain motor carriers of migrant workers and on motor private carriers.

(a) Each motor carrier of migrant workers (except a motor contract carrier) and each motor private carrier shall designate an agent by name and post office address on whom service of notices in a proceeding before, and actions of, the Secretary of Transportation may be made. The designation shall be in writing and filed with the Secretary. The carrier also shall file the designation with the authority of each State in which it operates having jurisdiction to regulate transportation by motor vehicle in intrastate commerce on the highways of that State. The designation may be changed at any time in the same manner as originally made.

(b) A notice of the Secretary to a carrier under this section is served personally or by mail on that carrier or its designated agent. Service by mail on the designated agent is made at the address filed for the agent. When notice is given by mail, the date of mailing is considered to be the time when the notice is served. If the carrier does not have a designated agent, service may be made by posting a copy of the notice in the office of the secretary or clerk of the authority having jurisdiction to regulate transportation by motor vehicle in intrastate commerce on the highways of the State in which the carrier maintains headquarters and with the Secretary.

(c) Each of those carriers, including such a carrier operating in the United States while providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, shall designate an agent in each State in which it operates by name and post office address on whom process issued by a court with subject matter jurisdiction may be served in an action brought against that carrier. The designation shall be in writing and filed with the Secretary and with the authority of each State in which the carrier operates having jurisdiction to regulate transportation by motor vehicle in intrastate commerce on the highways of that State. If a designation under this subsection is not made, service may be made on any agent of the carrier in that State. The designation may be changed at any time in the same manner as originally made.

Sec. 504. Reports and records.

(a) In this section—

(1) "association" means an organization maintained by or in the interest of a group of rail carriers, motor carriers, motor carriers of

migrant workers, or motor private carriers that performs a service, or engages in activities, related to transportation of that carrier.

(2) "carrier" means a motor carrier, motor carrier of migrant workers, motor private carrier, and rail carrier.

(3) "lessor" means a person owning a railroad that is leased to and operated by a rail carrier, and a person leasing a right to operate as a motor carrier, motor carrier of migrant workers, or motor private carrier to another.

(4) "lessor" and "carrier" include a receiver or trustee of that lessor or carrier, respectively.

(b)(1) The Secretary of Transportation may prescribe the form of records required to be prepared or compiled under this section by—

(A) carriers and lessors; and

(B) a person furnishing cars or protective service against heat or cold to or for a rail carrier.

(2) The Secretary may require—

(A) carriers, lessors, associations, or classes of them as the Secretary may prescribe, to file annual, periodic, and special reports with the Secretary containing answers to questions asked by the Secretary; and

(B) a person furnishing cars or protective service against heat or cold to a rail carrier to file reports with the Secretary containing answers to questions about those cars or service.

(c) The Secretary, or an employee designated by the Secretary, may on demand and display of proper credentials—

(1) inspect the equipment of a carrier or lessor; and

(2) inspect and copy any record of—

(A) a carrier, lessor, or association;

(B) a person controlling, controlled by, or under common control with a carrier, if the Secretary considers inspection relevant to that person's relation to, or transaction with, that carrier; and

(C) a person furnishing cars or protective service against heat or cold to or for a rail carrier if the Secretary prescribed the form of that record.

(d) The Secretary may prescribe the time period during which records must be preserved by a carrier, lessor, and person furnishing cars or protective service.

(e)(1) An annual report shall contain an account, in as much detail as the Secretary may require, of the affairs of a carrier, lessor, or association for the 12-month period ending on the 31st day of December of each year. The annual report shall be filed with the Secretary by the end of the 3d month after the end of the year for which the report is made unless the Secretary extends the filing date or changes the period covered by the report.

(2) The annual report and, if the Secretary requires, any other report made under this section shall be made under oath.

(f) No part of a report of an accident occurring in operations of a motor carrier, motor carrier of migrant workers, or motor private carrier and required by the Secretary, and no part of a report of an investigation of the accident made by the Secretary, may be admitted into evidence or used in a civil action for damages related to a matter mentioned in the report or investigation.

Sec. 505. Arrangements and public records.

(a) The Secretary of Transportation may require a motor carrier, motor carrier of migrant workers, or motor private carrier to file a copy of each arrangement related to a matter under this chapter that it has with another person. The Secretary may disclose the existence or contents of an arrangement between a motor contract carrier and a shipper filed under this section only if the disclosure is consistent with the public interest and is made as part of the record in a formal proceeding.

(b) Except as provided in subsection (a) of this section, all arrangements and statistics, tables, and figures contained in reports filed with the Secretary by a motor carrier under this chapter are public records. Such a public record, or a copy or extract of it, certified by the Secretary under seal is competent evidence in a proceeding of the Secretary, and, except as provided in section 504(f) of this title, in a judicial proceeding.

Sec. 506. Authority to investigate.

(a) The Secretary of Transportation may begin an investigation under this chapter on the initiative of the Secretary or on complaint. If the Secretary finds that a rail carrier, motor carrier, motor carrier of migrant workers, or motor private carrier is violating this chapter, the Secretary shall take appropriate action to compel compliance with this chapter. The Secretary may take action only after giving the carrier notice of the investigation and an opportunity for a proceeding.

(b) A person, including a governmental authority, may file with the Secretary a complaint about a violation of this chapter by a carrier referred to in subsection (a) of this section. The complaint must state the facts that are the subject of the violation. The Secretary may dismiss a complaint the Secretary determines does not state reasonable grounds for investigation and action. However, the Secretary may not dismiss a complaint made against a rail carrier because of the absence of direct damage to the complainant.

(c) The Secretary shall make a written report of each proceeding involving a rail carrier or motor carrier conducted and furnish a copy to each party to that proceeding. The report shall include the findings, conclusions, and the order of the Secretary. The Secretary may have the reports published for public use. A published report of the Secretary is competent evidence of its contents.

Sec. 507. Enforcement.

(a) The Secretary of Transportation may bring a civil action to enforce—

(1) an order of the Secretary under this chapter when violated by a rail carrier; and

(2) this chapter or a regulation or order of the Secretary under this chapter when violated by a motor carrier, motor carrier of migrant workers, motor private carrier, or freight forwarder.

(b) The Attorney General may, and on request of the Secretary shall, bring court proceedings to enforce this chapter or a regulation or order of the Secretary under this chapter and to prosecute a person violating this chapter or a regulation or order of the Secretary.

(c) A person injured because a rail carrier or freight forwarder does not obey an order of the Secretary under this chapter may bring a civil action to enforce that order under this subsection.

(d) In a civil action brought under subsection (a)(2) of this section against a motor carrier, motor carrier of migrant workers, or motor private carrier—

(1) trial is in the judicial district in which the carrier operates;

(2) process may be served without regard to the territorial limits of the district or of the State in which the action is brought; and

(3) a person participating with the carrier in a violation may be joined in the civil action without regard to the residence of the person.

SUBCHAPTER II—PENALTIES

Sec. 521. Civil penalties.

(a)(1) A person required under section 504 of this title to make, prepare, preserve, or submit to the Secretary of Transportation a record about rail carrier transportation, that does not make, prepare, preserve, or submit that record as required under that section, is liable to the United States Government for a civil penalty of $500 for each violation.

(2) A rail carrier, and a lessor, receiver, or trustee of that carrier, violating section 504(c)(1) of this title, is liable to the Government for a civil penalty of $100 for each violation.

(3) A rail carrier, a lessor, receiver, or trustee of that carrier, a person furnishing cars or protective service against heat or cold, and an officer, agent, or employee of one of them, required to make a report to the Secretary or answer a question, that does not make a report to the Secretary or does not specifically, completely, and truthfully answer the question, is liable to the Government for a civil penalty of $100 for each violation.

(4) A separate violation occurs for each day a violation under this subsection continues.

(5) Trial in a civil action under this subsection is in the judicial district in which the rail carrier has its principal operating office or in a district through which the railroad of the rail carrier runs.

(b)(1) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under this chapter about transportation by motor carrier, or an officer, agent, or employee of that person, that (A) does not make the report, (B) does not specifically, completely, and truthfully answer the question, or (C) does not make, prepare, or preserve the record in the form and manner prescribed by the Secretary, is liable to the Government for a civil penalty of not more than $500 for each violation and for not more than $250 for each additional day the violation continues.

(2) Trial in a civil action under this subsection is in the judicial district in which (A) the motor carrier has its principal office, (B) the motor carrier was authorized to provide transportation under subtitle IV of this title when the violation occurred, (C) the violation occurred, or (D) the offender is found. Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

Sec. 522. Reporting and record keeping violations.

(a) A person required to make a report to the Secretary of Transportation, or make, prepare, or preserve a record, under section 504 of this title about transportation by rail carrier, that knowingly and willfully (1) makes a false entry in the report or record, (2) destroys, mutilates, changes, or by another means falsifies the record, (3) does not enter business related facts and transactions in the record, (4) makes, prepares, or preserves the record in violation of a regulation or order of the Secretary, or (5) files a false report or record with the Secretary, shall be fined not more than $5,000, imprisoned for not more than 2 years, or both.

(b) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, that (1) willfully does not make that report, (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered, (3) willfully does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record, (5) knowingly and willfully files a false report or record with the Secretary, (6) knowingly and willfully makes a false or incomplete entry in that record about a business related fact or transaction, or (7) knowingly and willfully makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be fined not more than $5,000.

Sec. 523. Unlawful disclosure of information.

(a) A motor carrier, or an officer, receiver, trustee, lessee, or employee of that carrier, or another person authorized by that carrier to receive information from that carrier, may not knowingly disclose to another person (except the shipper or consignee), and another person may not solicit, or knowingly receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

(b) This chapter does not prevent a motor carrier, motor carrier of migrant workers, or motor private carrier from giving information—

(1) in response to legal process issued under authority of a court of the United States or a State;

(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; and

(3) to another motor carrier, motor carrier of migrant workers, or motor private carrier, or its agent, to adjust mutual traffic accounts in the ordinary course of business.

(c) An employee of the Secretary of Transportation delegated to make an inspection under section 504 of this title who knowingly discloses information acquired during that inspection, except as directed by the Secretary, a court, or a judge of that court, shall be fined not more than $500, imprisoned for not more than 6 months, or both.

Sec. 524. Evasion of regulation of motor carriers.

A person, or an officer, employee, or agent of that person, that by any means knowingly and willfully tries to evade regulation of motor carriers under this chapter shall be fined at least $200 but not more than $500 for the first violation and at least $250 but not more than $2,000 for a subsequent violation.

Sec. 525. Disobedience to subpenas.

A motor carrier, motor carrier of migrant workers, or motor private carrier not obeying a subpena or requirement of the Secretary of Transportation under this chapter to appear and testify or produce records shall be fined at least $100 but not more than $5,000, imprisoned for not more than one year, or both.

Sec. 526. General criminal penalty when specific penalty not provided.

When another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates a provision of this chapter, or a regulation or order of the Secretary of Transportation under this chapter, related to transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, shall be fined at least $100 but not more than $500 for the first violation and at least $200 but not more than $500 for a subsequent violation. A separate violation occurs each day the violation continues.

SUBTITLE II—TRANSPORTATION PROGRAMS

PART C—MOTOR VEHICLES

CHAPTER Sec.
31. Motor Carrier Safety.......... 101

CHAPTER 31—MOTOR CARRIER SAFETY

Sec.
3101. Definitions.
3102. Requirements for qualifications, hours of service, safety, and equipment standards.
3103. Research, investigation, and testing.
3104. Identification of motor vehicles.

Sec. 3101. Definitions.

In this chapter—

(1) "migrant worker" means an individual going to or from employment in agriculture as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)) or section 203(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)).

(2) "motor carrier", "motor common carrier", "motor private carrier", "motor vehicle", and "United States" have the same meanings given those terms in section 10102 of this title.

(3) "motor carrier of migrant workers" means a person (except a motor common carrier) providing transportation referred to in section 10521(a) of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment, but the term does not include a migrant worker providing transportation for migrant workers and their immediate families.

Sec. 3102. Requirements for qualifications, hours of service, safety, and equipment standards.

(a) This section applies to transportation—

(1) described in sections 10521 and 10522 of this title; and

(2) to the extent the transportation is in the United States and is between places in a foreign country, or between a place in a foreign country and a place in another foreign country.

(b) The Secretary of Transportation may prescribe requirements for—

(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and

(2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.

(c) The Secretary may prescribe requirements for the comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment of a motor carrier of migrant workers. The requirements only apply to a carrier transporting a migrant worker—

(1) at least 75 miles; and

(2) across the boundary of a State, territory, or possession of the United States.

Sec. 3103. Research, investigation, and testing.

(a) The Secretary of Transportation may investigate and report on the need for Federal regulation of sizes, weight, and combinations of motor vehicles and qualifications and maximum hours of service of employees of a motor carrier subject to subchapter II of chapter 105 of this title and a motor private carrier. The Secretary shall use the services of each department, agency, or instrumentality of the United States Government and each organization of motor carriers having special knowledge of a matter being investigated.

(b) In carrying out this chapter, the Secretary may use the services of a department, agency, or instrumentality of the Government having special knowledge about safety, to conduct scientific and technical research, investigation, and testing when necessary to promote safety of operation and equipment of motor vehicles. The Secretary may reimburse the department, agency, or instrumentality for the services provided.

Sec. 3104. Identification of motor vehicles.

(a) The Secretary of Transportation may—

(1) issue and require the display of an identification plate on a motor vehicle used in transportation provided by a motor private carrier and a motor carrier of migrant workers subject to section 3102(c) of this title (except a motor contract carrier); and

(2) require each of those motor private carriers and motor carriers of migrant workers to pay the reasonable cost of the plate.

(b) A motor private carrier or a motor carrier of migrant workers may use an identification plate only as authorized by the Secretary.

CHAPTER 23—DEPARTMENT OF TRANSPORTATION

Sec.

1651. Repealed.

1652. Establishment of Department.
    - (a) to (e) Repealed.
    - (f) National Traffic Safety Bureau; National Highway Safety Bureau; establishment; appointment of Directors; transfer and continuation of office of Federal Highway Administrator under title of Director of Public Roads.

1652a. Repealed.

1653. General provisions.
    - (a), (b) Repealed.
    - (c) Judicial review of orders of the Secretary and Administrators. [1]
    - (d) Carryover of authority to Secretary and Administrators from departments and agencies formerly exercising functions and duties. [2]
    - (e) to (g) Repealed.
    - (h) Model intermodal transportation terminal at Union Station; authorization for design, plan, and coordination of construction; lease or transfer of space; time for completion of design, plans and construction; authorization of appropriations; application of other laws. [3a]
    - (i) Conversion of railroad terminals into intermodal transportation terminals; assistance by Secretary; criteria for financial assistance; consultations; applications; preference; recordkeeping requirements; audit and examination of books, etc.; authorization of appropriations; definitions; eligibility under other Federal programs or plans. [3b]

1653(a). Repealed.

1654. Rail service responsibilities of Secretary. [4]
    - (a) to (e) Repealed.
    - (f) Financial assistance to States for rail freight assistance programs; purposes of programs.
    - (g) Federal share of costs of rail service assistance programs; State share in cash or through certain benefits; application of excess State share to subsequent fiscal years.
    - (h) State rail service assistance entitlement; computation of amount; reallocation; State agreements for combination projects.
    - (i) State rail plan expenditures; application for funds.
    - (j) Preconditions for eligibility of States for rail service assistance.
    - (k) Eligibility criteria for different classes of projects for rail freight financial assistance; annual list of rail line carriage of certain gross tonnage or less per mile.
    - (l) Certain payments to eligible State; procedure.
    - (m) Recordkeeping, auditing, etc., requirements of recipients of financial assistance.
    - (n) Definition.
    - (o) State use of financial assistance; terms and conditions.

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[1] Amended by the Independent Safety Board Act of 1974, sec. 308(2) of Public Law 93-633, Jan. 3, 1975 (88 Stat. 2173).

[2] Amended by the Independent Safety Board Act of 1974, sec. 308(3) of Public Law 93-633, Jan. 3, 1975 (88 Stat. 2173).

[3a] Added by Public Law 93-496, sec. 15, Oct. 28, 1974 (88 Stat. 1533).

[3b] Added by Public Law 93-496, sec. 6, Oct. 28, 1974 (88 Stat. 1528).

[4] Deleted by the Independent Safety Board Act of 1974, sec. 308(1). Public Law 93-633, Jan. 3, 1975 (88 Stat. 2173); and new section added by Public Law 94-210, Title IV, sec. 401 and Title VIII, sec. 803, Feb. 5, 1976 (90 Stat. 61, 130).

1654. Rail service responsibilities of Secretary—Continued

Sec.

- (p) State contingent interest in funds.
- (q) Authorization of appropriations; availability of unexpended appropriations.

1654a. Federal assistance to railroad industry; report to Congress.

1655. Transfer of functions.

- (a) Powers and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce relating to highways, ground transportation generally, aircraft, pilotage, and traffic and highway safety generally.
- (b) Coast Guard; functions of the Secretary of the Treasury and offices and officers of the Department of the Treasury relating to the Coast Guard.
- (c) Federal Aviation Agency; functions, powers, and duties of Administrator and other offices and officers.
- (d) Civil Aeronautics Board; chairman, members, officers, and offices; transfer to National Transportation Safety Board.
- (e) Interstate Commerce Commission; functions, powers, and duties relating to safety appliances and equipment on railroad engines and cars, protection of employees and travelers, hours of service, medals for heroism, explosives and other dangerous articles, standard time zones and daylight saving time; safety of operation and equipment.
- (f) Retention by Interstate Commerce Commission of powers and functions not expressly transferred; railroad and motor carrier safety under Federal Railroad and Federal Highway Administrators; review of administrative decisions. [5]
- (g) Department of the Army; functions, powers, and duties of the Secretary of the Army relating to water vessel anchorages, drawbridge operating regulations, obstructive bridges, tolls, prevention of pollution of the sea by oil, and location and clearance of bridges and causeways on navigable waters.
- (h) Applicability of administrative procedure and judicial review provisions of Title 5.
- (i) Alaska Railroad.

1656. Repealed.

1657. Administrative provisions.

- (a) to (g) Repealed.
- (h) Prohibition against reduction in classification or compensation of transferees for one year.
- (i) Lapse of transferred offices and agencies; compensation of executive positions upon continuity of service.
- (j) to (p) Repealed.
- (q) Contracts with private agencies for research; capabilities of research agency; dissemination of resulting data.
- (r) Repealed.

1657a to 1660. Repealed.

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[5] Amended by sec. 6 of Public Law 92-401, Aug. 2, 1972 (86 Stat. 617).

Sec. 1651. Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

Sec. 1652. Establishment of Department.

(a) to (e) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(f) National Traffic Safety Bureau; National Highway Safety Bureau; establishment; appointment of Directors; transfer and continuation of office of Federal Highway Administrator under title of Director of Public Roads.

(1) The Secretary shall carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 through a National Traffic Safety Bureau (hereafter referred to in this paragraph as "Bureau"), which he shall establish in the Department of Transportation. The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. All other provisions of the National Traffic and Motor Vehicle Safety Act of 1966 shall apply.

(2) The Secretary shall carry out the provisions of the Highway Safety Act of 1966 (including chapter 4 of Title 23) through a National Highway Safety Bureau (hereafter referred to in this paragraph as "Bureau"), which he shall establish in the Department of Transportation. The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. All other provisions of the Highway Safety Act of 1966 shall apply.

(3) The President is authorized, as provided in section 201 of the Highway Safety Act of 1966, to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 through the Bureau and Director authorized by section 201 of the Highway Safety Act of 1966.

(4) The Office of Federal Highway Administrator, created by section 303 of Title 23, is hereby transferred to and continued within the Department under the title Director of Public Roads. The Director shall be the operating head of the Bureau of Public Roads, or any other agency created within the Department to carry out the primary functions carried out immediately before the effective date of this Act by the Bureau of Public Roads. (Pub. L. 89–670, § 3, Oct. 15, 1966, 80 Stat. 931, amended Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224.)

Sec. 1652a. Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2445.

Sec. 1653. General provisions.

(a), (b) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(c) Judicial review of orders of Secretary and Administrators; applicability.

Orders and actions of the Secretary in the exercise of functions, powers, and duties transferred under this chapter, and orders and actions of the Administrators pursuant to the functions, powers, and duties specifically assigned to them by this chapter, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency exercising such functions, powers, and duties immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this chapter shall apply to the exercise of such functions by the Secretary or the Administrators. This subsection shall not apply to functions, powers, and duties transferred to the Secretary from the Interstate Commerce Commission under sections 1655(e)(1) through (4) and (6)(A) of this title. [6]

(d) Carryover of authority to Secretary and Administrators from departments and agencies formerly exercising functions and duties.

In the exercise of the functions, powers, and duties transferred under this chapter, the Secretary and the Administrators shall have the same authority as that vested in the department or agency exercising such functions, powers, and duties immediately preceding their transfer, and their actions in exercising such functions, powers, and duties shall have the same force and effect as when exercised by such department or agency. [7]

(e) to (g) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444

(h) Model intermodal transportation terminal at Union Station; authorization for design, plan, and coordination of construction; lease or transfer of space; time for completion of design, plans and construction; authorization of appropriations; application of other laws.

(1) The Secretary is authorized, in consultation with the Secretary of the Interior, to design, plan, and coordinate the construction of a model intermodal transportation terminal at Union Station in the District of Columbia. Such terminal may combine the new railroad passenger station described in section 802(a)(4) of Title 40, and accommodations for such other modes of transportation as the Secretary deems appropriate. To the extent practicable, the Secretary shall incorporate into the design and plans for such intermodal transportation terminal features which will make such facility a model facility and which will attract private investors willing to undertake the development and construction of the terminal.

(2) Notwithstanding any provision of the National Visitor Center Facilities Act of 1968, in order to facilitate construction of such model intermodal transportation terminal, the Secretary of the Interior shall lease or transfer such space (including air space), which is not required for purposes of the National Visitor Center, as the Secretary of the

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[6] Amended by the Independent Safety Board Act of 1974, sec. 308(2) of Public Law 93–633, Jan. 3, 1975 (88 Stat. 2173); and sec. 8 of Public Law 94–348, July 8, 1976 (90 Stat. 821).

[7] Amended by the Independent Safety Board Act of 1974, sec. 308(3) of Public Law 93–633, Jan. 3, 1975 (88 Stat. 2173).

Interior holds or may acquire north of the Union Station Building to such party or parties and upon such terms and conditions as the Secretary deems appropriate, notwithstanding section 303b of Title 40. The Secretary and the Secretary of the Interior may, to the extent required to complete a visitor center, agree to joint use of the concourse.

(3) The design and plans for the intermodal terminal shall be completed within 2 years following October 28, 1974. The construction of the intermodal terminal shall be completed within 5 years following October 28, 1974.

(4) There is authorized to be appropriated to the Secretary, for the purposes of carrying out this subsection, such sums as are necessary, not to exceed $5,000,000.

(5) Nothing in this subsection shall be construed as relieving the Washington Terminal Company, its successors or assigns, from the obligation to finance and construct a new railroad passenger station in compliance with the terms of section 802(a)(4) of Title 40. [7a]

(i) Conversion of railroad terminals into intermodal transportation terminals; assistance by Secretary; criteria for financial assistance; consultations; applications; preference; recordkeeping requirements; audit and examination of books, etc.; authorization of appropriations; definitions; eligibility under other Federal programs or plans.

(1) The Secretary shall provide financial, technical, and advisory assistance in accordance with this subsection for the purpose of (A) promoting on a feasibility demonstration basis the conversion of not less than three railroad passenger terminals into intermodal transportation terminals; (B) preserving railroad passenger terminals that have a reasonable likelihood of being converted or otherwise maintained pending the formulation of plans for reuse; (C) acquiring and utilizing space in suitable buildings of historic or architectural significance, unless the use of such space would not prove feasible and prudent compared with available alternatives; and (D) stimulating State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans for the conversion of railroad passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

(2) Financial assistance for the purpose set forth in paragraph (1)(A) of this subsection shall be granted in accordance with the following criteria: (A) the railroad terminal can be converted to accommodate such other modes of transportation as the Secretary deems appropriate, including motorbus transportation, mass transit (rail or rubber tire), and airline ticket offices and passenger terminal providing direct transportation to area airports; (B) the railroad passenger terminal is listed on the National Register of Historic Places maintained by the Secretary of the Interior; (C) the architectural integrity of the railroad passenger termi-

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[7a] Added by Public Law 93-496, sec. 15, Oct. 28, 1974 (88 Stat. 1533).

nal will be preserved and such judgment is concurred in by consultants recommended by the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation and retained for this purpose by the Secretary; (D) to the extent practicable, the use of station facilities for transportation purposes may be combined with use for other civic and cultural activities, especially when such use is recommended by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts, or the consultants retained by the Secretary upon their recommendation; and (E) the railroad passenger terminal and the conversion project meet such other criteria as the Secretary shall develop and promulgate in consultation with the Chairman of the National Endowment of the Arts and the Advisory Council on Historic Preservation. Any grant made by the Secretary under this paragraph shall not exceed 80 per centum of the total cost of conversion of a railroad passenger terminal into an intermodal transportation terminal.

(3) Financial assistance for the purpose set forth in paragraph (1)(B) of this subsection may be granted in accordance with regulations, to any responsible person (including a governmental entity) who is empowered by applicable law, qualified, prepared, and committed, on an interim basis pending the formulation of plans for reuse, to maintain (and prevent the demolition, dismantling, or further deterioration of) a railroad passenger terminal: *Provided*, That (A) such terminal has, in the opinion of the Secretary, a reasonable likelihood of being converted to or conditioned for reuse as an intermodal transportation terminal, a civic or cultural activities, center, or both; and (B) planning activity aimed at conversion or reuse has commenced and is proceeding in a competent manner. Funds appropriated for the purpose of this paragraph and paragraph (1)(B) of this subsection shall be expended in the manner most likely to maximize the preservation of railroad passenger terminals capable reasonably of conversion to intermodal transportation terminals or which are listed in the National Register of Historic Places maintained by the Secretary of the Interior or which are recommended (on the basis of architectural integrity and quality) by the Chairman of the National Endowment for the Arts or the Advisory Council on Historic Preservation. The amount of the Federal share of any grant under this paragraph shall not exceed 80 per centum of the total cost of such interim maintenance for a period not to exceed five years.

(4) Acquisitions made for the purpose set forth in paragraph (1)(C) of this subsection shall be made only after consultation with the chairman of the National Endowment for the Arts and the Advisory Council on Historic Preservation.

(5) Financial assistance for the purpose set forth in paragraph (1)(D) of this subsection may be granted, in accordance with regulations, to a qualified person (including a governmental entity) who is prepared to develop practicable plans meeting the zoning, land use, and other re-

quirements of the applicable State and local jurisdictions in which the rail passenger terminal is located as well as requirements under this subsection; who shall incorporate into the designs and plans proposed for the conversion of such terminal into an intermodal transportation terminal, a civic or cultural center, or both, features which reasonably appear likely to attract private investors willing to undertake the implementation of such planned conversion and its subsequent maintenance and operation; and who shall complete the designs and plans for such conversion within such time period as the Secretary establishes. In making grants under this paragraph, the Secretary shall give preferential consideration to applicants whose completed designs and plans will be implemented and effectuated within three years after the date of completion. Funds appropriated for the purpose of this paragraph and paragraph (1)(D) of this subsection shall be expended in the manner most likely to maximize the conversion and continued public use of railroad passenger terminals which are listed in the National Register of Historic Places maintained by the Secretary of the Interior or which are recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts. The amount of the Federal share of any grant under this paragraph shall not exceed 80 per centum of the total cost of the project or undertaking for which the financial assistance is provided.

(6) Within ninety days after October 28, 1974, the Secretary shall issue, and may from time to time amend, regulations with respect to financial assistance under this subsection and procedures for the award of such assistance. Each application for assistance under this subsection shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

(7) The National Railroad Passenger Corporation shall give preference to using station facilities that would preserve buildings of historical and architectural significance.

(8) Each recipient of financial assistance under this subsection shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. Until the expiration of three years after completion of such project or undertaking, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which, in the opinion of the Secretary or the Comptroller General, may be related or pertinent to such financial assistance.

(9)(A) There is authorized to be appropriated for the purpose set forth—

(i) in paragraphs (1)(A) and (1)(C) of this subsection, not to exceed $15,000,000;

(ii) in paragraph (1)(B) of this subsection, not to exceed $2,500,000; and

(iii) in paragraph (1)(D) of this subsection, not to exceed $2,500,000.

(B) Sums appropriated for the purposes of this subsection are authorized to remain available until expended.

(C) Redesignated (B).

(10) As used in this subsection, "civic and cultural activities" include, but are not limited to, libraries, musical and dramatic presentations, art exhibitions, adult education programs, public meeting place for community groups, convention visitors and others, and facilities for carrying on activities supported in whole or in part under Federal law.

(11) Nothing in this subsection shall be construed to invalidate the eligibility of any station for funds designed to assist in its preservation or reuse under any other Federal program or statute. [8]

Sec. 1653a. Repealed. Public Law 95–607, Title I, sec. 109(b)(1), Nov. 8, 1978 (92 Stat. 3064).

Sec. 1654. Rail service responsibilities of Secretary.*

(a) to (e) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444

(f) Financial assistance to States for rail freight assistance programs; purposes of programs.

The Secretary shall, in accordance with this section, provide financial assistance to States for rail freight assistance programs that are designed to cover—

(1) the cost of acquiring, by purchase, lease, or in such other manner as the State considers appropriate, a line of railroad or other rail properties, or any interest therein, to maintain existing or provide for future rail service;

(2) the cost of rehabilitating and improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line;

(3) the cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service; and

(4) the cost of constructing rail or rail related facilities (including new connections between two or more existing lines of railroad,

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[8] Added by Public Law 93–496, sec. 6, Oct. 28, 1974 (88 Stat. 1528); and amended by Public Law 94–25, sec. 13, May 26, 1975 (89 Stat. 93); by Public Law 94–210, Title VII, sec. 706, Feb. 5, 1976 (90 Stat. 125); by Public Law 94–555, Title II, sec. 219(a), Oct. 19, 1976 (90 Stat. 2629); by Public Law 95–421, sec. 14, Oct. 5, 1978 (92 Stat. 929); Public Law 96–73, Title I, § 128, Sept. 29, 1979 (93 Stat. 553); Public Law 97–449, § 7(b), Jan. 12. 1983 (96 Stat. 2444).

* See footnote at end of section.

intermodal freight terminals, sidings, and relocation of existing lines) for the purpose of improving the quality and efficiency of rail freight service.

(5) Redesignated (4).

(g) Federal share of costs of rail service assistance programs; State share in cash or through certain benefits; application of excess State share to subsequent fiscal years.

The Federal share of the costs of any rail service assistance program shall be 70 per centum. The State share of the costs may be provided in cash or through any of the following benefits, to the extent that such benefits would not otherwise be provided: (1) forgiveness of taxes imposed on a common carrier by railroad or on its properties; (2) the provision by the State or by any person or entity on behalf of such State, for use in its rail service assistance program, of real property or tangible personal property of the kind necessary for the safe and efficient operation of rail freight service; (3) trackage rights secured by the State for a common carrier by railroad; or (4) the cash equivalent of State salaries for State public employees working in the State rail service assistance program, but not including overhead and general administrative costs. If a State, or any person or entity on behalf of a State, provides more than such State's percentage share of the cost of its rail service assistance program during any fiscal year, the amount in excess of such share shall be applied toward such State's share of the costs of its program for subsequent fiscal years.

(h) State rail service assistance entitlement; computation of amount; reallocation; State agreements for combination projects.

(1) For the period beginning October 1, 1978, and ending September 30, 1981, each State which is eligible to receive rail service assistance under this section is entitled to an amount equal to the total amount authorized and appropriated for such purposes, multiplied by a fraction the numerator of which is the rail mileage in such State which was eligible for rail service assistance under this section prior to October 1, 1978, and the denominator of which is the rail mileage in all of the States which was eligible for rail service assistance under this section prior to such date. Notwithstanding the provisions of the preceding sentence, the entitlement of each State shall not be less than 1 percent of the funds appropriated.

(2) Effective October 1, 1981, each State which is eligible to receive rail service assistance under this section is entitled annually to a sum from available funds as determined pursuant to this subsection. Available funds are funds appropriated for rail service assistance for that fiscal year and any funds to be reallocated for that fiscal year in accordance with this subsection. Subject to the limitations set forth in paragraph (3) of this subsection, the Secretary shall calculate each State's entitlement as follows:

(A) two-thirds of the available funds, multiplied by a fraction the numerator of which is the sum of (i) total rail mileage in the State, other than rail mileage of the Consolidated Rail Corporation, which, in accordance with section 10904(e) of this title, United States Code, either is "potentially subject to abandonment" or with respect to which a carrier plans to file, or has filed, an application for a certificate under subsection (a) of such section, and (ii) the total rail mileage of the Consolidated Rail Corporation in the State which such Corporation has certified to be in a situation comparable to "potentially subject to abandonment" within the meaning of such term under such section 10904 or with respect to which the Consolidated Rail Corporation plans to file, or has filed, an application for a certificate under section 748 of Title 45 or under section 10904(a) of this title, and the denominator of which is the total of the rail mileage described in clauses (i) and (ii) in all the States; and

(B) one-third of available funds, multiplied by a fraction (i) the numerator of which is the rail mileage in the State with respect to which the Interstate Commerce Commission, within 3 years prior to the first day of the fiscal year for which funds are allocated or reallocated under this section, has found that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service on, such rail mileage; and (ii) the denominator of which is the total rail mileage in all the States eligible for rail service assistance under this section which the Interstate Commerce Commission has made such a finding. Notwithstanding the preceding provisions of this paragraph, the entitlement of each State in a fiscal year shall not be less than 1 percent of the funds appropriated for such fiscal year.

(3)(A) The Interstate Commerce Commission shall, no later than July 1 of the year preceding the fiscal year funds are made available under this section, provide the Secretary with the sum of the rail mileage in each State that meets the description set forth in subparagraphs (A) and (B) of paragraph (2). The Secretary shall, no later than the first day of each fiscal year, notify each State of the funds to which such State is entitled under this subsection during such fiscal year.

(B)(i) Entitlement funds shall remain available to a State for the first 6 months after the end of the fiscal year for which funds have been made available for use under this section.

(ii) Any funds which have not been applied for under this section shall be made available to the Secretary for use during the remainder of the current fiscal year for rail service assistance projects meeting the requirements of this section. The Secretary shall, no later than 30 days after the end of the first six months of a fiscal year, notify each State with respect to any funds still available for rail service assistance projects under this section.

(C) In considering applications for rail service assistance to be provided with funds described in subparagraph (B)(ii), the Secretary shall consider the following:

(i) The percentage of lines filed with the Interstate Commerce Commission for abandonment or potential abandonment within a State.

(ii) The likelihood of future abandonments within a State.

(iii) The ratio of benefits to costs (which are included in the State rail plan) for a proposed project.

(iv) The likelihood that the line will continue operating with rail freight assistance.

(v) The impact of rail bankruptcies, rail restructuring, and rail mergers on the State applying for assistance.

(i) State rail plan expenditures; application for funds.

On the first day of the fiscal year, each State shall be entitled to $100,000 of the fund available for expenditure under subsection (q) of this section during the fiscal year to meet the cost of establishing, implementing, revising, and updating the State rail plan required by subsection (j) of this section. Each State must apply for such funds on or before the first day of the fiscal year. Any funds which have not been applied for under this subsection shall be made available to the Secretary under subsection (h)(3)(B) of this section.

(j) Preconditions for eligibility of States for rail service assistance.

A State is eligible to receive rail service assistance from the Secretary if—

(1) such State has established an adequate plan for rail services in such State as part of an overall planning process for all transportation services in such State, including a suitable process for updating, revising, and amending such plan;

(2)(A) such State plan is administered or coordinated by a designated State agency and provides for the equitable distribution of resources, and (B) such State plan includes, as soon as practicable after November 8, 1978, a methodology for determining the ratio of benefits to costs of projects which are proposed to be initiated after November 8, 1978, and which are eligible for assistance under paragraphs (2) through (4) of subsection (k) of this section;

(3) such State agency (A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services, (B) employs or will employ, directly on indirectly, sufficient trained and qualified personnel, (C) maintains or will maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation, and (D) is designated and directed solely, or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution;

(4) such State provides satisfactory assurance that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and

(5) such State complies with regulations of the Secretary issued under this section and the Secretary determines that such State meets or exceeds the requirements of paragraphs (1) through (4) of this subsection.

(k) Eligibility criteria for different classes of projects for rail freight financial assistance; annual list of rail line carriage of certain gross tonnage or less per mile.

(1) A project is eligible for financial assistance under paragraph (1) of subsection (f) of this section only if—

(A) the Interstate Commerce Commission has found, since February 5, 1976, that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service on, the line of railroad related to the project;

(B) the line of railroad related to the project is listed for possible inclusion in a rail bank in part III, section C of the Final System Plan issued by the United States Railway Association under section 717 of Title 45.

(C) Repealed. Pub.L. 97-35, Title XI, § 1192(e)(2), Aug. 13, 1981, 95 Stat. 700

(2) A project is eligible for financial assistance under paragraphs (2) and (4) of subsection (f) of this section only if—

(A) the line of railroad related to the project is certified by the railroad as having carried 3 million gross ton miles of freight or less per mile during the prior year;

(B) the line of railroad related to the project is certified by the railroad as having carried less than 5 million gross ton miles of freight per mile during the prior year and the Secretary has determined that the project is essential to carry out proposals made under authority of subsections (a) through (e) of this section;

(C) an application for a certificate of abandonment or discontinuance with respect to the line of railroad related to the project has been filed with the Interstate Commerce Commission prior to January 1, 1979 (whether or not such application has been granted);

(D) the line of railroad related to the project is listed for possible inclusion in a rail bank in part III, section C of the Final System Plan issued by the United States Railway Association under section 717 of Title 45; or

(E) the line of railroad related to the project was eligible to be acquired under section 762(c)(3) of Title 45.

Any project involving a line of railroad described in subparagraph (C), (D), or (E) of this paragraph shall only be eligible for financial assistance until September 30, 1981, unless such a project has been receiving assistance under this subsection but did not receive all the funds to which the State was entitled at the beginning of the fiscal year ending September 30, 1981, in which case such project shall continue to be eligible until September 30, 1982.

(3) A project is eligible for financial assistance under paragraph (3) of subsection (f) of this section only if—

(A) the Interstate Commerce Commission has found, since February 5, 1976, that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service on, the line of railroad which is related to the project; or

(B) the line of railroad or related project was eligible for financial assistance under section 762 of Title 45, except that a line of railroad or related project which was eligible for assistance under such section 762 or under this section prior to October 1, 1978, shall be eligible only until September 30, 1981, unless such a project has been receiving assistance under this subsection but did not receive all the funds to which the State was entitled at the beginning of the fiscal year ending September 30, 1981, in which case such project shall continue to be eligible until September 30, 1982.

(4) On or before August 1 of each year, each common carrier by railroad subject to chapter 1 of this title shall prepare, update, and submit to the Secretary a listing of those rail lines of such carrier which, based on level of usage, carried 3 million gross ton miles of freight or less per mile during the prior year.

(5) Redesignated (4).

(l) Certain payments to eligible State; procedure.

The Secretary shall pay to each eligible State an amount equal to its entitlement under subsection (h) of this section, to be expended or committed to one or more projects which are eligible, pursuant to subsection (k) of this section. Upon receipt of an application for rail freight assistance, the Secretary shall consider the application and notify the State submitting such an application as to its approval or disapproval within 45 days. If the Secretary fails to consider and notify the State applying for rail freight assistance under subsection (k) of this section within 45 days, then the project shall be considered approved and the State shall receive the Federal share up to the amount to which it is entitled.

(m) Recordkeeping, auditing, etc., requirements of recipients of financial assistance.

(1) Each recipient of financial assistance under subsections (e) through (p) of this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Secretary shall prescribe including records which fully disclose the amount and disposition by such recipient of the proceeds of such

assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project which was supplied by other sources, and such other records as will facilitate an effective audit. Such records shall be maintained for 3 years after the completion of such a project or undertaking.

(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General may be related or pertinent to the grants, contracts, or other arrangements referred to in paragraph (1) of this subsection.

(3) The Secretary and the Comptroller General shall regularly conduct, or cause to be conducted—

(A) a financial audit, in accordance with generally accepted auditing standards; and

(B) a performance audit of the activities and transactions assisted under this section, in accordance with generally accepted management principles.

Such audits may be conducted by independent certified or licensed public accountants and management consultants approved by the Secretary and the Comptroller General, and they shall be conducted in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(n) Definition.

As used in this section, the term "State" means any State in which a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of Title 49, maintains any line of railroad.

(o) State use of financial assistance; terms and conditions.

A State shall use financial assistance provided under paragraph (2) of subsection (f) of this section in accordance with the following provisions:

(1) The financial assistance shall be used to rehabilitate or improve rail properties in order to improve rail freight service within the State.

(2) The State shall, in its discretion, grant or loan funds to the owner of rail properties or operator of rail service related to the project.

(3) The State shall determine all financial terms and conditions of a grant or loan, except that the timing of all advances with respect to grants in and under this subsection shall be in accordance with Department of Treasury regulations.

(4) The State shall place the Federal share of repaid funds in an interest-bearing account or, with the approval of the Secretary,

permit any borrower to place such funds, for the benefit and use of the State, in a bank which has been designated by the Secretary of the Treasury in accordance with section 265 of Title 12. The State shall use such funds and all accumulated interest to make further loans or grants under paragraph (2) of subsection (f) of this section in the same manner and under the same conditions as if they were originally granted to the State by the Secretary. The State may, at any time, pay to the Secretary the Federal share of any unused funds and accumulated interest. After the termination of a State's participation in the rail service assistance program established by this section, such State shall pay the Federal share of any unused funds and accumulated interest to the Secretary.

(5) The State, to the maximum extent possible, shall encourage the participation of shippers, railroads, and local communities in providing the State share of rail freight assistance funds.

(p) State contingent interest in funds.

Each State shall retain a contingent interest (redeemable preference shares) for the Federal share of funds in any line receiving rail freight assistance under this section and may exercise the right to collect its share of the funds used for such a line, if an application for abandonment of such line is filed under chapter 109 of Title 49, or if such line is sold or disposed of in any way after it has received Federal assistance.

(q) Authorization of appropriations; availability of unexpended appropriations.

There are authorized to be appropriated to the Secretary for the purposes of subsections (f) through (p) of this section not to exceed $360,000,000, of which $40,000,000 shall be made available for the fiscal year ending September 30, 1982, $44,000,000 shall be made available for the fiscal year ending September 30, 1983 and $48,000,000 shall be made available for the fiscal year ending September 30, 1984. In addition, any appropriated sums remaining after the repeal of section 762 of Title 45 and section 1653a of this title are authorized to remain available to the Secretary for purposes of subsections (f) through (p) of this section. Such sums as are appropriated are authorized to remain available until expended. [9]

Sec. 1654a. Federal assistance to railroad industry; report to Congress. [10]

Within 90 days after the end of each fiscal year, the Secretary of Transportation shall submit a report to the Congress listing the specific

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[9] Previous section deleted by Public Law 93-633, sec. 308(1), Jan. 3, 1975 (88 Stat. 2173); and new section added by Public Law 94-210, Title IV, sec. 501 and Title VIII, sec. 803, Feb. 5, 1976 (90 Stat. 61, 130); and amended by Public Law 95-607, secs. 102-106(a), 107-109(a), Nov. 8, 1978 (92 Stat. 3059-3064); and Public Law 96-86, Title I, § 115(b), Oct. 12, 1979 (93 Stat. 662); Public Law 97-35, Title XI, §§ 1191, 1192, Aug. 13, 1981 (95 Stat. 699); Public Law 97-449, § 7(b), Jan. 12, 1983 (96 Stat. 2444); and Public Law 97-468, Title V, § 501, Jan. 14, 1983 (96 Stat. 2551).

[10] Public Law 96-448, Title IV, § 409, Oct. 14, 1980 (94 Stat. 1948), and amended by Public Law 97-375, Title II, § 210(a), Dec. 21, 1982 (96 Stat. 1825).

Federal assistance provided the railroad industry during such fiscal year. Each such report shall set forth the reasons for each Federal loan or grant and explain the way in which such loan or grant contributed to the overall goal of providing a safe and efficient transportation system. In each report the Secretary shall advise the Congress on the past and anticipated financial condition and operations during the fiscal year of the Railroad Rehabilitation and Improvement Fund established under section 822(a) of Title 45 and of the Obligation Guarantee Fund established under section 831(b) of Title 45. In addition, the Secretary shall include in the report information on the financial condition of each railroad having a loan guaranteed under the Emergency Rail Services Act of 1970 [45 U.S.C.A. § 661 et seq.], throughout the existence of such loan.

Sec. 1655. Transfer of functions

(a) Powers and duties of Secretary of Commerce and other offices and officers of Department of Commerce relating to highways, ground transportation generally, aircraft, pilotage, and traffic and highway safety generally.

There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce under—

(1) the following laws and provisions of law relating generally to highways:

(A) Title 23, United States Code, as amended.

(B), (C) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(D) The Act of July 14, 1960, as amended.

(E) to (M) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(2) the following laws and provisions of law relating generally to ground transportation:

(A) The Act of September 30, 1965, as amended.

(B) The Urban Mass Transportation Act of 1964, as amended.

(3) the following laws and provisions of law relating generally to aircraft:

(A) The Act of September 7, 1957, as amended.

(B) Section 1380 of this title.

(C) Title XIII of the Federal Aviation Act of 1958, as amended.

(4) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(5) the following law to the extent it authorizes scientific and professional positions which relate primarily to functions transferred by this subsection: The Act of August 1, 1947, as amended.

(6) the following laws relating generally to traffic and highway safety:

(A) The National Traffic and Motor Vehicle Safety Act of 1966.

(B) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(b) Coast Guard; functions of Secretary of Treasury and other offices and officers of Department of Treasury relating to Coast Guard.

(1), (2) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(3) Notwithstanding any other provision of this chapter, the functions, powers, and duties of the General Counsel of the Department of the Treasury set out in chapter 47 of Title 10 (Uniform Code of Military Justice), are hereby transferred to and vested in the General Counsel of the Department.

(c) Federal Aviation Agency; functions, powers, and duties of Administrator and other offices and officers.

(1) There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Federal Aviation Agency, and of the Administrator and other officers and offices thereof, including the development and construction of a civil supersonic aircraft.

(2) Nothing in this chapter shall affect the power of the President under section 1343(c) of this title to transfer, to the Department of Defense in the event of war, any functions transferred by this chapter from the Federal Aviation Agency.

(d) Civil Aeronautics Board; chairman, members, officers, and offices; transfer to National Transportation Safety Board.

There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Civil Aeronautics Board, and of the Chairman, members, officers, and offices thereof under titles VI and VII of the Federal Aviation Act of 1958, as amended: *Provided, however,* That these functions, powers, and duties are hereby transferred to and shall be exercised by the National Transportation Safety Board. Decisions of the National Transportation Safety Board made pursuant to the exercise of the functions, powers, and duties enumerated in this subsection shall be administratively final and appeals as authorized by law or this chapter shall be taken directly to the courts.

(e) Interstate Commerce Commission; functions, powers, and duties relating to safety appliances and equipment on railroad engines and cars, protection of employees and travelers, hours of service, medals for heroism, explosives and other dangerous articles, standard time zones and daylight saving time, safety of operation and equipment.

There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Interstate Commerce Commission, and of the Chairman, members, officers, and offices thereof, under—

(1) the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(A) The Act of March 2, 1893, as amended.

(B) The Act of March 2, 1903, as amended.

(C) The Act of April 14, 1910, as amended.

(D) The Act of May 30, 1908, as amended.

(E) The Act of February 17, 1911, as amended.

(F) The Act of March 4, 1915, as amended.

(G) Reorganization Plan No. 3 of 1965.

(H) Joint Resolution of June 30, 1906, as amended.

(I) The Act of May 27, 1908, as amended.

(J) The Act of March 4, 1909, as amended.

(K) The Act of May 6, 1910, as amended.

(2) the following law relating generally to hours of service of employees: The Act of March 4, 1907, as amended.

(3) the following law relating generally to medals for heroism: The Act of February 23, 1905, as amended.

(4) the following provisions of law relating generally to explosives and other dangerous articles: Sections 831–835 of Title 18.

(5) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(6) the following provisions of the Interstate Commerce Act, as amended—

(A) The Act of March 19, 1918, as amended.

(B) to (D) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(f) Retention by Interstate Commerce Commission of powers and functions not expressly transferred; railroad and motor carrier safety under Federal Railroad and Federal Highway Administrators; review of administrative decisions.

(1) Nothing in subsection (e) of this section shall diminish the functions, powers, and duties of the Interstate Commerce Commission under sections 1(6), 206, 207, 209, 210a, 212, and 216 of the Interstate Commerce Act, as amended (49 U.S.C. 1(6), 06 et seq.), or under any other section of that Act not specifically referred to in subsection (e) of this section.

(2), (3) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(g) Department of Army; functions, powers, and duties of Secretary of Army relating to water vessel anchorages, drawbridge operating regulations, obstructive bridges, tolls, prevention of pollution of sea by oil, and location and clearance of bridges and causeways on navigable waters.

There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Secretary of the Army and other officers and offices of the Department of the Army under—

(1) to (3) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(4) the following laws and provisions of law relating generally to the reasonableness of tolls:

(A), (B) Repealed. Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(C) Section 17 of the Act of June 10, 1930, as amended.

(D) The Act of June 27, 1930, as amended.

(E) Repealed. Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(5), (6) Repealed. Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(h) Applicability of administrative procedure and judicial review provisions of Title 5.

The provisions of subchapter II of chapter 5 and of chapter 7 of Title 5 shall be applicable to proceedings by the Department and any of the administrations or boards within the Department established by this chapter except that notwithstanding this or any other provision of this chapter, the transfer of functions, powers, and duties to the Secretary or any other officer in the Department shall not include functions vested by subchapter II of chapter 5 of Title 5 in administrative law judges employed by any department, agency, or component thereof whose functions are transferred under the provisions of this chapter. [11]

(i) Alaska Railroad.

The Administration of the Alaska Railroad, established pursuant to the Act of March 12, 1914, as amended, and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Executive Order Numbered 11107, April 25, 1963, relative to the operation of said Railroad, are hereby transferred to and vested in the Secretary of Transportation who shall exercise the same authority with respect thereto as is now exercised by the Secretary of the Interior pursuant to said Executive order. (Pub. L. 89-670, § 6, Oct. 15, 1966, 80 Stat. 937.)

Repeal of Subsection (i)

Pub.L. 97-468, Title VI, § 615(a)(4), Jan. 14, 1983, 96 Stat. 2578, provided that, effective on the date of transfer to the State (pursuant to section 1203 of this title) or other disposition (pursuant to section 1210 of this title), whichever first occurs, subsection (i) of this section is repealed.

Sec. 1656. Repealed. Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

Sec. 1657. Administrative provisions.

(a) to (g) Repealed. Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

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[11] Amended by Public Law 95-251, sec. 2(a)(12), Mar. 27, 1978 (92 Stat. 183).

(h) Prohibition against reduction in classification or compensation of transferees for one year.

The transfer of personnel pursuant to subsections (f) and (g) of this section shall be without reduction in classification or compensation for one year after such transfer.

(i) Lapse of transferred offices and agencies; compensation of executive positions upon continuity of service.

In any case where all of the functions, powers and duties of any office or agency, other than the Coast Guard, are transferred pursuant to this chapter, such office or agency shall lapse. Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in his new position.

(j) to (p) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(q) Contracts with private agencies for research; capabilities of research agency; dissemination of resulting data.

(1) to (3) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(4) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research. (Pub. L. 89–670, § 9, Oct. 15, 1966, 80 Stat. 944.)

(r) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

Secs. 1657a, 1658. Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

Sec. 1659. Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444, 2445.

***Sec. 1660. Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.**

***Added by Public Law 97–35, title XI, § 1194(a), Aug. 13, 1981.**

DEPARTMENT OF TRANSPORTATION ACT, PUBLIC LAW 89–670, OCT. 15, 1966, 80 STAT. 931, SECS. 8, 10, 12, 14, 15 (NOT INCLUDED IN TITLE 49 U.S.C.)

AMENDMENTS TO OTHER LAWS

§ 8. (a) Section 406(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 763; 49 U.S.C. 1376(b)), is amended by adding the following sentence at the end thereof: "In applying clause (3) of this subsection, the Board shall take into consideration any standards and criteria prescribed by the Secretary of Transportation, for determining the character and quality of transportation required for the commerce of the United States and the national defense."

(b) Section 201 of the Appalachian Regional Development Act of 1965, as amended (79 Stat. 10; 40 U.S.C. App. 206) is amended as follows:

(1) The first sentence of subsection (a) of that section is amended by striking the words "Commerce (hereafter in this section referred to as the 'Secretary')" and inserting in lieu thereof "Transportation".

(2) The last sentence of subsection (a) of that section is amended by inserting after the word "Secretary", the words "of Transportation".

(3) Subsection (b) of that section is amended by inserting after the word "Secretary", the words "of Commerce".

(4) Subsection (c) of that section is amended by striking the first sentence and inserting in lieu thereof the following sentence: "Such recommendations as are approved by the Secretary of Commerce shall be transmitted to the Secretary of Transportation for his approval."

(5) The second sentence of subsection (c) of that section is amended by inserting after the word "Secretary" the words "of Transportation".

(6) Subsection (e) of that section is amended by inserting after the word "Secretary" the words "of Transportation".

(7) Subsection (f) of that section is amended by inserting after the word "Secretary", the words "of Commerce and the Secretary of Transportation". Subsection (f) of that section is further amended by striking the word "determines" and inserting in lieu thereof "determine".

(8) Subsection (g) of that section is amended by striking the period at the end thereof and adding the following: "to the Secretary of Commerce, who shall transfer funds to the Secretary of Transportation for administration of projects approved by both Secretaries."

(c) Section 206(c) of the Appalachian Regional Development Act of 1965, as amended (79 Stat. 15; 40 U.S.C. App. 206), is amended by inserting after "Interior," the words "Secretary of Transportation,".

(d) Section 212(a) of the Interstate Commerce Act, as amended (49 Stat. 555), is amended by striking "of the Commission" the second, third, and fourth times those words occur.

(e) Section 13(b)(1) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1067), is amended by striking the words "Interstate Commerce Commission" and inserting in lieu thereof "Secretary of Transportation".

(f) The second sentence of section 3 of the Federal Explosive Act, as amended (40 Stat. 386; 50 U.S.C. 123) is amended to read as follows: "This Act shall not apply to explosives or ingredients which are in transit upon vessels, railroad cars, aircraft, or other conveyances in conformity with statutory law or with the rules and regulations of the Secretary of Transportation."

(g)(1) Section 1 of the Act of May 13, 1954, as amended (68 Stat. 93; 33 U.S.C. 981), is amended to read as follows:

> "SECTION 1. There is hereby created, subject to the direction and supervision of the Secretary of Transportation, a body corporate to be known as the Saint Lawrence Seaway Development Corporation (hereinafter referred to as the 'Corporation')."

(2) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

(h) Repealed. Pub.L. 97–449, § 7(b), Jan. 12, 1983. 96 Stat. 2444.

(i) Section 115 of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) is amended by striking the word "Agency" wherever it occurs in such section and inserting in lieu thereof the word "Bureau", and by striking the word "Administrator" wherever it occurs in such section and inserting in lieu thereof the word "Director".

(j) Section 3(a) of the Marine Resources and Engineering Development Act of 1966 (80 Stat. 204) is amended by striking the words "the Treasury" and inserting in lieu thereof "Transportation".

(k) Section 2(e) of the Act of September 22, 1966, Public Law 89–599, is amended by striking the words "of Commerce" and inserting in lieu thereof the words "of Transportation".

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CONFORMING AMENDMENTS TO OTHER LAWS

§ 10. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby amended by striking out the period at the end thereof and inserting a comma and the following: "Secretary of Transportation."

(b) Section 101 of title 5 of the United States Code is amended by inserting at the end thereof the following:

> "The Department of Housing and Urban Development.
> "The Department of Transportation".

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title V * of the United States Code is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

> "(11) Secretary of Housing and Urban Development.
> "(12) Secretary of Transportation."

(2) Section 5313 is amended by striking out "(7) Administrator of the Federal Aviation Agency" and inserting in lieu thereof "(7) Under Secretary of Transportation", and by adding at the end thereof the following:

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* So in original—should be "5."

"(19) Administrator, Federal Aviation Administration."

(3) Section 5314 is amended by adding at the end thereof the following:

"(46) Administrator, Federal Highway Administration.

"(47) Administrator, Federal Railroad Administration.

"(48) Chairman, National Transportation Safety Board."

(4) Section 5315 is amended by adding at the end thereof the following:

"(78) Members, National Transportation Safety Board.

"(79) General Counsel, Department of Transportation.

"(80) Deputy Administrator, Federal Aviation Administration.

"(81) Assistant Secretaries of Transportation (4).

"(82) Director of Public Roads.

"(83) Administrator of the St. Lawrence Seaway Development Corporation."

(5) Section 5316 is amended by adding at the end thereof the following:

"(117) Assistant Secretary for Administration, Department of Transportation."

(6) Section 5317 is amended by striking out "thirty" and inserting in lieu thereof "thirty-four".

(e) Subsection 5314(6), 5315(2), and 5316(10), (12), (13), (14), (76), and (82) of title 5 of the United States Code are repealed, subject to the provisions of section 9 of this Act.

(f) Title 18, United States Code, section 1020, as amended, is amended by striking the words "Secretary of Commerce" where they appear therein and inserting in lieu thereof "Secretary of Transportation".

(g) Subsection (1) of section 801, title 10, United States Code, as amended, is amended by striking out "the General Counsel of the Department of the Treasury" and inserting in lieu thereof "the General Counsel of the Department of Transportation".

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SAVINGS PROVISIONS

§ 12. Repealed. Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

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CODIFICATION

§ 14. The Secretary is directed to submit to the Congress within two years from the effective date of this Act; a proposed codification of all laws that contain the powers, duties, and functions transferred to or vested in the Secretary or the Department by this Act.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

§ 15. (a) This Act shall take effect ninety days after the Secretary first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

NATIONAL TRANSPORTATION POLICY, "TRANSPORTATION ACT OF 1940", PUBLIC LAW NO. 785, 76TH CONG., SEPT. 18, 1940 (54 STAT. 899)

NATIONAL TRANSPORTATION POLICY [1]

"It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to cooperate with the several States and the duly authorized officials thereof; and to encourage fair wages and equitable working conditions; all to the end of developing, coordinating and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. All of the provisions of this Act shall be administered and enforced with a view to carrying out the above declaration of policy."

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[1] See Title 49 United States Code, printed as notes preceding secs. 1, 301 and 901.

PART II. FEDERAL-AID HIGHWAYS

SUBPART A. TITLE 23, UNITED STATES CODE, "HIGHWAYS."

Title 23. United States Code—"Highways"

Chapter 1.—FEDERAL-AID HIGHWAYS

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127. Vehicle weight and width limitations—Interstate System. [5a]
128. Public hearings.
129. Toll roads, bridges, tunnels, and ferries. [6]
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[1] Amended by sec. 139(a), Public Law 94-280, May 5, 1976 (90 Stat. 443).

[2] Amended by sec. 12, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

[3] Amended by sec. 25, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

[4] Amended by sec. 116(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 258).

[5] Repealed by sec. 139(b), Public Law 94-280, May 5, 1976 (90 Stat. 443); new section added by sec. 116(c), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2699).

[5a] Analysis does not conform to section catchline.

[6] Amended by sec. 5(b), Public Law 86-657, July 14, 1960 (74 Stat. 522).

Chapter 1.—FEDERAL-AID HIGHWAYS—Continued

Sec.

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[7] Revised by sec. 102, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1030).

[8] Added by sec. 4, Public Law 86-657, July 14, 1960 (74 Stat. 522).

[9] Added by sec. 5, Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145), and repealed by sec. 139(c), Public Law 94-280, May 5, 1976 (90 Stat. 443-444).

[10] Added by sec. 9, Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145).

[11] Former section added by sec. 4, Public Law 89-139, Aug. 28, 1965 (79 Stat. 578), which was repealed by sec. 102(b)(1), Public Law 89-564, Sept. 9, 1966 (80 Stat. 731); new section added by sec. 10, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815), and retitled by sec. 123(b), Public Law 94-280, May 5, 1976 (90 Stat. 439).

[12] New section added by sec. 202, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1028).

[13] Added to replace former section by sec. 134 (a) and (b), Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[14] Added by sec. 15, Public Law 89-574, Sept. 13, 1966 (80 Stat. 766).

[15] Added by sec. 16, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

[16] Added by sec. 22, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); amended by sec. 118(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2111).

[17] Amended by sec. 107(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2284).

[18] Added by sec. 111, Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); amended by sec. 121, Public Law 93-87, Aug. 13, 1973 (87 Stat. 259-261).

[19] Added by sec. 127, Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[20] Added by sec. 204, Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); retitled and amended by sec. 124, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2702).

[21] Added by sec. 123(a), Public Law 93-87, Aug. 13, 1973 (87 Stat. 262).

[22] Added by sec. 125(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 263), and repealed by sec. 128(b), Public Law 94-280, May 5, 1976 (90 Stat. 440); new section added by sec. 126(a), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2705).

* Should be "Carpool and vanpool projects".

[23] Added by sec 126(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 264).

[24] Added by sec. 129(c), Public Law 93-87, Aug. 13, 1973 (87 Stat. 266).

[25] Added by sec. 142(a), Public Law 93-87, Aug. 13, 1973 (87 Stat. 272).

[26] Added by sec. 157(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 278).

[27] Added by sec. 205(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 285).

[28] Added by sec. 209(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 287); amended and retitled by sec. 168(a), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2722).

[29] Repealed by sec. 168(c), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2723).

Chapter 1.—FEDERAL-AID HIGHWAYS—Continued

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204. Federal lands highways program. [29f]
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208. Repealed. [29i]
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211. Timber access road hearings.
212. Inter-American Highway.
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305. Archeological and paleontological salvage.
306. Mapping.
307. Research and planning.
308. Cooperation with Federal and State agencies and foreign countries.
309. Cooperation with other American Republics.

[29a] Added by sec. 114(a), Public Law 93–643, Jan. 4, 1975 (88 Stat. 2286).

[29b] Added by sec. 115(a), Public Law 93–643, Jan. 4, 1975 (88 Stat. 2287).

[29c] Added by sec. 132(b), Public Law 94–280, May 5, 1976 (90 Stat. 441).

[29d] Added by sec. 150, Public Law 97–424, Jan. 6, 1983 (96 Stat. 2131).

[29e] Amended by sec. 126(e), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2115).

[29f] Amended by sec. 126(e), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2115).

[29g, h, i, & j] Amended by sec. 126(e), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2116).

[30] Added by sec. 6, Public Law 87–866, Oct. 23, 1962 (72 Stat. 1145).

[31] Added by sec. 112, Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713), analysis does not conform to section catchline.

[32] Added by sec. 113, Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713).

[33] Added by sec. 124(b), Public Law 93–87, Aug. 13, 1973 (87 Stat. 262).

[34] Added by sec. 127(a)(2), Public Law 93–87, Aug 13, 1973 (87 Stat. 264).

[34a] Added by sec. 122(a), Public Law 93–643, Jan. 4, 1975 (88 Stat. 2289) and retitled by sec. 135(b), Public Law 94–280, May 5, 1976 (90 Stat. 442).

[34b] Repelaed by sec. 7(b), Public Law 97–449, Jan. 12, 1983 (96 Stat. 2445).

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315. Rules, regulations, and recommendations.
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320. Bridges on Federal dams.
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405. Repealed. [41]
406. School bus driver training. [41a]
407. Innovative project grants. [41b]
408. Alcohol traffic safety programs. [41c]

Chapter 1.—FEDERAL-AID HIGHWAYS

Sec. 101. Definitions and declaration of policy.

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), resurfacing, restoration, and rehabilitation, acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, acquisition and rehabilitation, relocation and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas. The term also includes capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses and also includes costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program.[42]

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[35] Repealed by sec. 102(b), Public Law 89-564, Sept. 9, 1966 (80 Stat. 731).

[36] Amended by sec. 301, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1028).

[37] Added by sec. 115, Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[38] Added by sec. 205, Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[39] Added by sec. 145(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 273).

[40] Added by sec. 162(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 280).

[41] New sec. added by sec. 230(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253); repealed by sec. 135(d), Public Law 94-280, May 5, 1976 (90 Stat. 442), and analysis amended by sec. 135(c) of Public Law 94-280, May 5, 1976 (90 Stat. 442).

[41a] Added by sec. 126(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2291).

[41b] Added by sec. 208(b), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2732).

[41c] Added by sec. 101(b), Public Law 97-364, Oct. 25, 1982 (96 Stat. 1740).

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "Federal lands highways" means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.[42a]

The term "forest or trail" means a road or trail wholly or partly within, or adjacent to, and serving the National Forest system and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources.[43]

The term "forest development roads and trails" means a forest road or trail under the jurisdiction of the Forest Service.[44]

The term "forest highway" means a forest road under the jurisdiction of, and maintained by, a public authority and opened to public travel.[45]

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration

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[42] Amended by sec. 105(a)(1) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253); sec. 108(a)(1), Public Law 94-280, May 5, 1976 (90 Stat. 431), sec. 106(a), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2693); and sec. 159, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2135).

[42a] Added by sec. 126(c)(3), Public Law 97-424, Jan. 3, 1983 (96 Stat. 2115).

[43] [44] Amended by sec. 8 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815), and sec. 106(b)(1), (2), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2693).

[45] Amended by sec. 141(1) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713), and sec. 106(b)(3), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2693).

Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "highway safety improvement project" means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, or installs traffic control or warning devices at high accident potential locations.[45a]

The term "Indian reservation roads" means public roads, including roads on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.[46]

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park road" means a public road that is located within or provides access to an area in the national park system.[46a]

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands development roads and trails" means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.[47]

The term "public lands highways" means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, which are on the Federal-aid Systems.[48]

[45a] Added by sec. 106(b)(4), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2693-2694).

[46] Amended by sec. 105(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253); amended by sec. 102(b) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2281); and sec. 126(c)(2), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2115).

[46a] Amended by sec. 126(c)(1), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2115).

[47] Amended by sec. 6(a) of Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145).

[48] Amended by sec. 141(2) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

The term "public road" means any road or street under the jurisdiction of and maintained by a public authority and open to public travel. [48a]

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Transportation. [49]

The term "urbanized areas" means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census. [50]

The term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico. [51]

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Federal-aid urban system" means the Federal-aid highway system described in subsection (d) of section 103 of this title. [52]

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title. [53]

The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized areas in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire. [54]

[48a] Added by sec. 108(b) of Public Law 94-280, May 5, 1976 (90 Stat. 431).

[49] Transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); and amended by section 152(1) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253).

[50] Amended by sec. 105(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253).

[51] Amended by sec. 21(e)(1) of Public Law 86-70, June 25, 1959 (73 Stat. 141), and by sec. 17(a) of Public Law 86-624, July 12, 1960 (74 Stat. 411).

[52] Added by sec. 106(a)(2) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[53] Amended by sec. 106(a)(3) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirty-four years' appropriations authorized for the purposes of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending September 30, 1990, under section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce. [55]

It is further declared that since the Interstate System is now in the final phase of completion it shall be the national policy that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of these systems to the maximum extent. [56]

(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund. [57]

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[54] Amended by sec. 107 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253), and by sec. 108(a)(2) of Public Law 94-280, May 5, 1976 (90 Stat. 431).

[55] Amended by sec. 3 of Public Law 88-423, Aug. 13, 1964 (78 Stat. 397); sec. 4(a) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); sec. 4(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 104(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 106(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 253); and sec. 107(a) of Public Law 94-280, May 5, 1976 (90 Stat. 430).

[56] Added by sec. 107 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 254).

(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditures are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation. [58]

(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the substantial minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government. [59]

Sec. 102. Authorizations.

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

Sec. 103. Federal-aid systems.

(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section. [60]

(b) (1) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (f) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. [60a]

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[57] Amended by sec. 107 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[58] New subsecs. (c) and (d) added by sec. 15 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); and sec. 107 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[59] Added by sec. 108 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 255).

[60] Amended by sec. 106(b)(3) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

(2) After June 30, 1976, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State acting through its State highway department and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section. [61]

(c)(1) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, access roads to airports, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area. [62]

[60a] Amended by sec. 108(f), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2104).

[61] Added by sec. 148(a) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 274).

[62] Amended by sec. 8(a) of Public Law 87–866, Oct. 23, 1962 (76 Stat. 1145); sec. 106(b)(1) of Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713); and sec. 148(e) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 274).

(2) After June 30, 1976, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section. [63]

(d)(1) The Federal-aid urban system shall be established in each urbanized area, and in such other urban areas as the State highway department may designate. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection. [64]

(2) After June 30, 1976, the Federal-aid urban system shall be located in each urbanized area and such other urban areas as the State highway departments may designate and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, with the concurrence of the State highway departments, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title. [65]

(e)(1) The Interstate System shall be designated within the United States, including the District of Columbia, and, except as provided in paragraphs (2) and (3) of this subsection, it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to the greatest extent possible, to connect at suitable border points with routes of

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[63] Added by sec. 148(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 274).

[64] Added by sec. 106(b)(1) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); renumbered by sec. 148(c) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 274) and amended by sec. 109(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 255).

[65] Added by sec. 148(c) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 274).

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continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system, to the greatest extent possible, shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to the approval by the Secretary as provided in subsection (f) of this section. All highways or routes included in the Interstate System as finally approved if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.[66]

(2) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System of five hundred miles, to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the request of a State highway department the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of interstate routes, or portions thereof as provided in this subsection. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph. The Secretary shall not designate any Interstate route or portion thereof under authority of this paragraph after the date of enactment of the Federal-Aid Highway Act of 1978.[67]

(3) In addition to the mileage authorized by paragraphs (1) and (2) of this subsection, there is hereby authorized additional mileage of not to exceed 1,500 miles for the designation of routes in the same manner as set forth in paragraph (1), in order to improve the efficiency and

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[66] Amended by sec. 17(c) of Public Law 86-624, July 12, 1960 (74 Stat. 411); and sec. 14(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); relettered by sec. 106(b)(1) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[67] New subsec. (d)(2) added by Public Law 90-238, Jan. 2, 1968 (81 Stat. 772); and amended by sec. 21 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); relettered by sec. 106(b)(1) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 137(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 269); sec. 125(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2290); secs. 109(a) and 111(a) of Public Law 94-280, May 5, 1976 (90 Stat. 431 and 433); and sec. 107(a)(1), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2694).

service of the Interstate System to better accomplish the purposes of that System.[68]

(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier; shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located. Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date, except that this sentence shall not apply to any route which on the date of enactment of the Federal-Aid Highway Act of 1978 is under judicial injunction prohibiting its construction, and except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction the Secretary may approve substitute projects and withdrawals on such route until September 30, 1985. Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal

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[68] New subsec. (d)(3) added by sec. 14(b) of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815).

Government. The Federal share of each substitute project shall not exceed 85 per centum of the cost thereof. The sums apportioned under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned and for the succeeding fiscal year. The sums available for obligation under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned and for the succeeding fiscal year. Any sums which are apportioned to a State for a fiscal year and are unobligated (other than an amount which, by itself is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned among those States which have obligated all sums (other than such an amount) apportioned to them for such fiscal year, in accordance with the latest approved estimate of the cost of completing the appropriate substitute projects in such States. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. For the fiscal year ending September 30, 1983, $257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. For the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, sums obligated for projects under highway assistance programs shall be paid out of the Highway Trust Fund, and $700,000,000 shall be available for expenditure during each of the fiscal years ending September 30, 1984, and September 30, 1985, and $725,000,000 shall be available for expenditure during the fiscal year ending September 30, 1986. Twenty-five per centum of the funds available from the Highway Trust Fund for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 per centum of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal year ending September 30, 1984. The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1985, and September 30, 1986. There are authorized to be appropriated for liquidation of obligations incurred under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964. Fifty per centum of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 per centum of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal year ending September 30, 1984. The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1985, and September 30, 1986. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973. The provisions of section

3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph. After the date of enactment of this sentence, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title. After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph. Any route or segment thereof which was statutorily designed* after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.[69]

(5) Notwithstanding any other provision of law, in the case of any withdrawal of approval before November 6, 1978—

(A) upon the withdrawal of approval of any route or portion thereof on the Interstate System under this section, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

(B) refund will not be required for the costs of construction items, materials, or rights-of-way of the withdrawn route or portion of the Interstate System which will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to such other public purpose as may be determined by the Secretary to be in the public interest on condition that the State shall make assurances satisfactory to the Secretary that such construction items or materials or rights-of-way have been or will be so applied by the State or any political subdivision thereof to a project under clause (i), (ii), or (iii) within 10 years from the date of the withdrawal of approval; and[69a]

(6) Notwithstanding any other provision of law—

(A) in the case of any withdrawal of approval on or after November 6, 1978, of a route or portion thereof on the Interstate System, a State, subject to the approval of the Secretary, shall not be required to refund to the Highway Trust Fund any sums paid to the State for intangible costs;

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*As in original—should probably read "designated".

[69] New subsection (e)(4) added by sec. 137(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 269-270); amended by sec. 125(b), Public Law 93-643, Jan. 4, 1974 (88 Stat. 2290); secs. 110(a) and (b), Public Law 94-280, May 5, 1976 (90 Stat. 431-433); secs. 107(a)(2) and (b), and (f)(1)(A), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2694-2695); sec. 1, Public Law 96-106, Nov. 9, 1979 (93 Stat. 796); sec. 2, Public Law 96-144, Dec. 13, 1979 (93 Stat. 1084); and sec. 107(a), (b), (c)(1), (d), & (e), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2101-2103).

[69a] Added by sec. 107(f)(1), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2695) and amended by sec. 2(a), Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

(B) in the case of any withdrawal of approval on or after November 6, 1978, of any route or portion thereof on the Interstate System under this section, a State shall not be required to refund to the Highway Trust Fund the costs of construction items, materials, or rights-of-way of the withdrawn route or portion thereof if such items, materials, and rights-of-way were acquired before November 6, 1978, if by the date of withdrawal of approval the Secretary has not approved the environmental impact statement required by the National Environmental Policy Act of 1969, and if such construction items, materials, or rights-of-way will be or have been applied (i) to a transportation project permissible under this title, (ii) to a public conservation or public recreation purpose, or (iii) to any other public purpose determined by the Secretary to be in the public interest on condition that the State gives assurances satisfactory to the Secretary that such construction items, materials, or rights-of-way have been or will be so applied by the State, or any political subdivision thereof, to a project under clause (i), (ii), or (iii) within ten years from the date of withdrawal of approval; [69b]

(7) In any case where a withdrawal of approval of a route or portion thereof on the Interstate System on or after November 6, 1978, does not come within the provisions of paragraph (6)(B) of this subsection, the State shall refund to the Highway Trust Fund the costs of construction items, materials, and rights-of-way of the withdrawn route or portion thereof, except that if the State gives assurances satisfactory to the Secretary that such items, materials, and rights-of-way have been or will be applied to a transportation project permissible under this title within ten years from the date of withdrawal of approval, the amount of such repayment shall be the difference between the amount received for such items, materials, and rights-of-way and the amount which would be received in accordance with the current Federal share applicable to the transportation project to which such items, materials, and rights-of-way were or are to be applied; and [69c]

(8) Nothing in this subsection shall in any way alter rights under State law of persons owning property within the right-of-way immediately prior to such property being obtained by the State. The Federal share of the cost of property sold or otherwise transferred to previous owners under State law shall be refunded and credited to the unobligated balance of the State's apportionment for interstate highways. [69d]

(9) Interstate mileage authorized for any State and withdrawn and transferred under the provisions of paragraph (2) of this section after the date of enactment of the Federal-Aid Highway Act of 1976, must

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[69b] Added by sec. 2(c), Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

[69c] Added by sec. 2(c), Public Law 96-106, Nov. 9, 1979 (93 Stat. 796-797).

[69d] Added by sec. 107(f)(1), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2695) and renumbered as sec. 103(e)(8) by sec. 2(c), Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

be constructed by the State receiving such mileage as part of its Interstate System. Any State receiving such transfer of mileage may not, with respect to that transfer, avail itself of the optional use of Interstate funds under the second sentence of paragraph (4) of this subsection. [69e]

(f) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary. [70]

(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968. [71]

(h) Notwithstanding subsections (e)(2) and (g) of this section, in any case where a segment of the Interstate System was a designated part of such System on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of such segment, such segment shall be constructed. [72]

[69e] Added by sec. 109(b), Public Law 94-280, May 5, 1976 (90 Stat. 431) and renumbered as sec. 103(e)(9) by sec. 2(c), Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

[70] Repealed by sec. 21(d)(1) of Public Law 86-70, June 25, 1959 (73 Stat. 141); and amended and relettered subsec. (e) as (f) by sec. 106(b) (1) and (2) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[71] Amended by sec. 110(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 255-256).

[72] Added by sec. 110(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 256).

Sec. 104. Apportionment.

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner: [72a]

(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No state (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment. [73]

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all of the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment. [74]

[72a] Amended by sec. 112(a) of Public Law 94-280, May 5, 1976 (90 Stat. 433).

[73] Amended by sec. 21(e)(2) of Public Law 86-70, June 25, 1959 (73 Stat. 141); sec. 10(a) of Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145); sec. 111(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 256); and sec. 112(b) of Public Law 94-280, May 5, 1976 (90 Stat. 433-434).

(3) Repealed. [75]

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108(b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5)(A) Except as provided in subparagraph (B)—For the Interstate System for the fiscal years 1960 through 1990:

For the fiscal years 1960 through 1966, in the ratio which the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. For the fiscal years 1967 through 1990 in the ratio which the Federal share of the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of the Federal share of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1990, inclusive, shall be made on October 1 of the year preceding the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1961. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1965. Upon the approval of such estimate by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1968. Upon the approval of the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1987, and September 30, 1988. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. The Secretary shall not include in any estimate submitted under this provision after December 31, 1978, any cost of a project to expand or clear zones immediately adjacent to the paved roadway or routes designed prior to February, 1967. Notwithstanding any other provisions of this subparagraph, the Secretary in making the revised estimate of the cost of completing the then designated Interstate System for the purpose of transmitting it to the Senate and House of Representatives within ten days subsequent to January 2, 1983, or thereafter, shall include only those costs eligible for funds authorized by subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, including the amendments made by section 4 of the Federal-Aid Highway Act of 1981. [76]

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[74] Amended by sec. 21(e)(2) of Public Law 86-70, June 25, 1959 (73 Stat. 141) and sec. 11(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 256).

[75] Amended by sec. 2 of Public Law 88-157, Oct. 24, 1963 (77 Stat. 276) and repealed by sec. 112(c) of Public Law 94-280, May 5, 1976 (90 Stat. 434).

(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

55 per centum in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on

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[76] Approval of cost estimate as a basis for making I.S. apportionments for fiscal years ending June 30, 1960, 1961, and 1962, by sec. 8 of Public Law 85-381, Apr. 16, 1958 (72 Stat. 89); sec. 1 of Public Law 85-899, Sept. 2, 1958 (72 Stat. 89); sec. 1 of Public Law 85-899, Sept. 2, 1958 (72 Stat. 1725); and sec. 103 of Public Law 86-342, Sept. 21, 1959 (73 Stat. 611); for fiscal years ending June 30, 1963, 1964, 1965, and 1966, by sec. 102 of Public Law 87-61, June 29, 1961 (75 Stat. 122); for fiscal year ending June 30, 1967, by sec. 2 of Public Law 89-139, Oct. 22, 1965 (79 Stat. 578); for fiscal years ending June 30, 1968 and 1969, by sec. 3 of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); for fiscal years ending June 30, 1970 and 1971, by sec. 3 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); for fiscal years ending June 30, 1972, and June 30, 1973, by sec. 103 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); fiscal years ending June 30, 1974, June 30, 1975 and June 30, 1976, by sec. 103 of Public Law 93-87, Aug. 13, 1973, (87 Stat. 250); sec. 104(b)(15)(A) was amended by sec. 8(g) of Public Law 86-657, July 14, 1960 (74 Stat. 522); sec. 3 (a) and (b) of Public Law 88-157, Oct. 24, 1963 (77 Stat. 276); sec. 4(a) of Public Law 88-423, Aug. 13, 1964 (78 Stat. 397); sec. 4(b) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 767); sec. 4(b) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 104(b) (1) and (2) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 106(b) of Public Law 93-87; Aug. 13, 1973 (87 Stat. 254); secs. 106(b), 107(b) (1) and (2) of Public Law 94-280, May 5, 1976 (90 Stat. 429-431); sec. 108, Public Law 95-599. Nov. 6, 1978 (92 Stat. 2695); and sec. 4(c) of Public Law 97-134, Dec. 29, 1981 (95 Stat. 1699).

the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States. Notwithstanding the preceding sentence, no State excluding any State that has no interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year. [76a]

(6) For the Federal-aid urban system:

In the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census.

No State shall receive less than one-half of 1 per centum of each year's apportionment. [77]

(c)(1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area. [77a]

(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

(1) In the case of the transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal

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[76a] Added by sec. 106(b) of Public Law 94-280, May 5, 1976 (90 Stat. 429-430); amended by sec. 116(b), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2699); and sec. 5, Public Law 97-134, Dec. 29, 1981 (95 Stat 1699).

[77] Added by sec. 111(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 257); amended by sec. 113(a) of Public Law 94-280, May 5, 1976 (90 Stat. 435), and sec. 109(a), (b), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2696).

[77a] Amended by sec. 113(a) of Public Law 94-280, May 5, 1976 (90 Stat. 435).

year by more than 50 per centum. Not more than 50 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 50 per centum. Not more than 50 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment.[78]

(e) On October 1 of each fiscal year the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder (other than under subsection (b)(5) of this section) to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. On October 1 of the year preceding the fiscal year for which authorized, the Secretary shall certify to each of the State highway departments the sums which he has apportioned under subsection (b)(5) of this section to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section. To permit the States to develop adequate plans for the utilization of apportioned sums, the Secretary shall advise each State of the amount that will be apportioned each year under this section not later than ninety days before the beginning of the fiscal year for which the sums to be apportioned are authorized, except that in the case of the Interstate System the Secretary shall advise each State ninety days prior to the apportionment of such funds.[78a]

(f)(1) On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System.[78b]

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[78] Added by sec. 111(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 257); amended by sec. 113(a) of Public Law 94-280, May 5, 1976 (90 Stat. 435), and sec. 109(a), (b), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2696).

[78a] Amended by sec. 112(d) of Public Law 94-280, May 5, 1976 (90 Stat. 434).

[78b] Amended by sec. 112(e) of Public Law 94-280, May 5, 1976 (90 Stat. 434).

(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title, except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program will be best served without such matching. [78c]

(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs. [79]

(g) Not more than 40 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973, may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary as being in the public interest, if he has received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met. All or any part of the funds apportioned in any fiscal year to a State in accordance with section 203(d) of the Highway Safety Act of 1973 from funds authorized in section 203(c) of such Act, may be transferred from that apportionment to the apportionment made under section 219 of this title if such transfer is requested by the State highway department and is approved by the Secretary after he has received satisfactory assurances from such department that the purposes of such section 203 have been met. Nothing in this subsection authorizes the transfer of any amount apportioned from the Highway Trust

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[78c] Amended by sec. 112(f) of Public Law 94-280, May 5, 1976 (90 Stat. 434).

[79] Amended by sec. 112 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 257).

Fund to any apportionment the funds for which were not from the Highway Trust Fund, and nothing in this subsection authorizes the transfer of any amount apportioned from funds not from the Highway Trust Fund to any apportionment the funds for which were from the Highway Trust Fund.[80]

(h) The Secretary shall submit to Congress not later than the 20th day of each calendar month which begins after the date of enactment of this subsection a report on (1) the amount of obligation, by State, for Federal-aid highways and the highway safety construction programs during the preceding calendar month, (2) the cumulative amount of obligation, by State, for that fiscal year, (3) the balance as of the last day of such preceding month of the unobligated apportionment of each State by fiscal year, and (4) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for that fiscal year.[80a]

Sec. 105. Programs.

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department such selection shall be made after consultation with appropriate local officials.[80b]

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials with the concurrence of the State highway department of each State and, in urbanized areas, also in accordance

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[80] Added by sec. 227 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 292-293) and amended by sec. 206 (a) and (b) of Public Law 94-280, May 5, 1976 (90 Stat. 453-454).

[80a] Added by sec. 110, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2696).

[80b] Amended by sec. 111, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2696).

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with the planning process required pursuant to section 134 of this title.[81]

(e) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendations.[82]

(f) In approving programs for projects on the Federal-aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.[83]

(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, public ports for water transportation, new town communities, and new town-intown communities, and in approving such programs the Secretary shall give consideration to such projects.[84]

(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.[84a]

Sec. 106. Plans, specifications, and estimates.

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specification, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

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[81] New subsection added by sec. 106(d) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713), and amended by sec. 109(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 255).

[82] Reletterd by sec. 106(d) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[83] Former subsec. (e) repealed by sec. 17(b) of Public Law 86-624, July 12, 1960 (74 Stat. 411); and new subsec. (e) added by sec. 206 of Public Law 89-564, Sept. 9, 1966 (80 Stat. 731); and relettered by sec. 106(d) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[84] New subsection added by sec. 132 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and amended by sec. 112, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2696).

[84a] Added by sec. 109(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2104).

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other. [85]

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of a project financed with Federal-aid highway funds, after excluding from such total estimate [sic] * cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary. [86]

(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis. [87]

Sec. 107. Acquisition of rights-of-way—Interstate System.

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

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[85] Amended by sec. 106(e) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

*** So as in original—should be "estimated".**

[86] Amended by sec. 7(a) of Public Law 88-157, Oct. 24, 1963 (77 Stat. 276); and by sec. 114 of Public Law 94-280, May 5, 1976 (90 Stat. 436).

[87] New subsec. added by sec. 142 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway departments of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

Sec. 108. Advance acquisition of rights-of-way.

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding ten years following the fiscal year in which such request is made unless a longer period is determined to be reasonable by the Secretary.[88]

(b) Federal participation in the cost of rights-of-way acquired under subsection (a) of this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.[89]

(c)(1) There is hereby established in the Treasury of the United States a revolving fund to be known as the right-of-way revolving fund which shall be administered by the Secretary in carrying out the provisions of this subsection. Sums authorized to be appropriated to the right-of-way revolving fund shall be available for expenditure without regard to the fiscal year for which such sums are authorized.

(2) For the purpose of acquiring rights-of-way for future construction of highways on any Federal-aid system and for making payments for the moving or relocation of persons, businesses, farms, and other existing uses of real property caused by the acquisition of such rights-of-way, in addition to the authority contained in subsection (a) of this section, the Secretary, upon request of a State highway department, is authorized to advance funds, without interest, to the State from amounts available in the right-of-way revolving fund, in accordance with rules and regulations prescribed by the Secretary. Funds so advanced may be used to pay the entire costs of projects for the acquisition of rights-of-way, including the net cost to the State of property management, if any, and related moving and relocation payments.[89a]

(3) Actual construction of a highway on rights-of-way, with respect to which funds are advanced under this subsection, shall be commenced within a period of not less than two years nor more than ten years following the end of the fiscal year in which the Secretary approves such advance of funds, unless the Secretary, in his discretion, shall provide for an earlier or later termination date. Immediately upon the termination of the period of time within which actual construction must be commenced, in the case of any project where such construction is

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[88] Amended by sec. 1 of Public Law 86-35, May 29, 1959 (73 Stat. 62); by sec. 113 (a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 257); and sec. 115(b) of Public Law 94-280, May 5, 1976 (90 Stat. 436).

[89] Amended by sec. 7(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

[89a] Amended by sec. 115(a) of Public Law 94-280, May 5, 1976 (90 Stat. 436).

not commenced before such termination, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual construction of a highway on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any Federal-aid highway funds apportioned to the State in which such project is located and available for obligation for projects on the Federal-aid system of which such project is to be a part, and the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the right-of-way revolving fund. [90]

Sec. 109. Standards.

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project. Such standards shall in all cases provide for at least four lanes of traffic. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System to such standards. The Secretary shall apply such standards uniformly throughout all the States. [91]

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

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[90] New subsec. (c) added by sec. 7(b) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815) and by sec. 113(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 257); and amended by sec. 115(c) of Public Law 94-280, May 5, 1976 (90 Stat. 436).

[91] Amended by sec. 4 of Public Law 88-157, Oct. 24, 1963 (77 Stat. 276); and by sec. 5(a) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766).

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, bikeways, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking. [91a]

(g) The Secretary shall issue within 30 days after the day of enactment of the Federal-Aid Highway Act of 1970 guidelines for minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines. [92]

(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

(1) air, noise, and water pollution;

(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

(3) adverse employment effects, and tax and property value losses;

(4) injurious displacement of people, businesses and farms; and

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[91a] Amended by sec. 141(f), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2711).

[92] New subsec. (g) added by sec. 14 of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); amended by sec. 136(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and by sec. 152(2) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

(5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.[93]

(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different lands uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards. The Secretary, after consultation with the Administrator of the Environmental Protection Agency and appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title.[94]

(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.[95]

(k) The Secretary shall not approve any project involving approaches to a bridge under this title, if such project and bridge will significantly affect the traffic volume and the highway system of a contiguous State without first taking into full consideration the views of that State.[96]

(l)(1) In determining whether any right-of-way on any Federal-aid system should be used for accommodating any utility facility, the Secretary shall—

(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect safety;

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[93] Amended by sec. 136(b) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[94] Amended by sec. 136(b) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and amended by sec. 114 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 257-258).

[95] Amended by sec. 136(b) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[96] Added by sec. 156 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 277).

(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and

(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

(2) For the purpose of this subsection—

(A) the term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public; and

(B) the term "right-of-way" means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway. [96a]

(m) The Secretary shall issue guidelines describing criteria applicable to the Interstate System in order to ensure that the condition of these routes is maintained at the level required by the purposes for which they were designed. The initial guidelines shall be issued no later than October 1, 1979. [96b]

(n) The Secretary shall not approve any project under this title that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless such project provides a reasonably alternate route or such a route exists. [96c]

(*o*) It is the intent of Congress that any project for resurfacing, restoring, or rehabilitating any highway, other than a highway access to which is fully controlled, in which Federal funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety. [96d]

Sec. 110. Project agreements.

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

[96a] Added by sec. 113, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2696-2697) and amended by sec. 3, Public Law 96-106, Nov. 9, 1979 (93 Stat. 797).

[96b] Added by sec. 116(d), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2699).

[96c] Added by sec. 141(g), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2711-2712).

[96d] Added by sec. 110(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2105).

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

Sec. 111. Agreements relating to use of and access to rights-of-way—Interstate System.

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such arrangements may, however, authorize a State or political subdivision thereof to use or permit the use of the airspace above and below the established grade line of the highway pavement for such purposes as will not impair the full use and safety of the highway, as will not require or permit vehicular access to such space directly from such established grade line of the highway, or otherwise interfere in any way with the free flow of traffic on the Interstate System. Nothing in this section, or in any agreement entered into under this section, shall require the discontinuance, obstruction, or removal of any establishment for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway or route on the Interstate System (1) if such establishment (A) was in existence before January 1, 1960, (B) is owned by a State, and (C) is operated through concessionaries or otherwise, and (2) if all access to, and exits from, such establishment conform to the standards established for such a highway under this title.[97]

Sec. 112. Letting of contracts.

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

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[97] Amended by sec. 104(a), Public Law 87-61, June 29, 1961 (75 Stat. 122); and sec. 114, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2697).

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the State highway department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.[98]

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title, except where employees of a political subdivision of a State are working on a project outside of such political subdivision.[98a]

Sec. 113. Prevailing rate of wage.

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the construction work performed on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U.S.C. 267a)*.[98b]

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[98] Amended by sec. 22(c) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 112(b)(1), Public Law 96-470, Oct. 19, 1980 (94 Stat. 2239); and sec. 112(1), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2106).

[98a] Amended by sec. 112(2), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2106).

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on any of the Federal-aid systems is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

(c) The provisions of the section shall not be applicable to employment pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs.[99]

Sec. 114. Construction.

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title. After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress, and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation.[100]

(b) Convict labor or materials produced by convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.[100a]

Sec. 115. Construction by States in advance of apportionment.

(a)(1) When a State has obligated all funds apportioned or allocated to it under section 103(e)(4), 104, or 144 of this title, other than Interstate funds, and proceeds to construct any highway substitute,

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***So in original—should be "276a."**

[98b] Amended by sec. 149, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2131).

[99] Subsecs. (a) and (b) amended and new subsec. (c) added by sec. 12 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

[100] Amended by sec. 8(f) of Public Law 86-657, July 14, 1960 (74 Stat. 522) and sec. 115 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 258).

[100a] **Amended by sec. 148, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2131). Sec. 202 of Public Law 98-166, Nov. 28, 1983 (97 Stat. 1071) permits use of material produced by convict labor.**

Federal-aid system, or bridge project, respectively, other than an Interstate project funded under section 104(b)(5) of this title, without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 103(e)(4), 104, or 144, respectively, of this title if—

(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

(B) the project conforms to the applicable standards adopted under section 109 of this title.

(2) The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, or 144 of this title, as the case may be, is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State's expected apportionment of such authorizations. [101]

(b)(1) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(B) the project conforms to the applicable standards under section 109 of this title.

(2) For any project under construction on January 1, 1983, on the Interstate System and converted to a regularly funded project after January 1, 1983, for which the proceeds of bonds issued by the State, county, city, or other political subdivision of the State were used, any interest earned and payable on such bonds by the date of conversion is an eligible cost of construction, to the extent that the proceeds of such bonds have actually been expended in the construction of such projects.

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[101] Amended by sec. 25 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 111(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2285); and sec. 113(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2106-2107).

(3) Subject to the provisions of this paragraph, the cost of construction of a project, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State to the extent that the proceeds of such bonds have actually been expended in the construction of such project. In no event shall the amount of interest considered as a cost of construction of a project under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of construction of the project if the project were to be constructed at the time the project is converted to a regularly funded project, over (B) the actual cost of construction of such project (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.[101a]

(c) In determining the apportionment for any fiscal year under the provisions of section 103(e)(4), 104, or 144 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.[102]

Sec. 116. Maintenance.

(a) It shall be the duty of the State highway department to maintain, or cause to be maintained any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.[103]

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate, until such project shall have been put in proper condition of maintenance. [103a]

[101a] Amended by sec. 111(b) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2285); by sec. 4, Public Law 96-106, Nov. 9, 1979 (93 Stat. 796); and by sec. 113(a)&(b), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2106).

[102] Amended by sec. 25 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); relettered by sec. 111(b) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2285); and amended by sec. 115(d), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2107).

[103] Amended by sec. 21(e) of Public Law 86-70, June 25, 1959 (73 Stat. 141).

(d) The Secretary in consultation with the State highway departments and interested and knowledgeable private organizations and individuals shall as soon as possible establish national bridge inspection standards in order to provide for the proper safety inspection of bridges. Such standards shall specify in detail the method by which inspections shall be conducted by the State highway departments, the maximum time lapse between inspections and the qualifications for those charged with the responsibility for carrying out such inspections. Each State shall be required to maintain written reports to be available to the Secretary pursuant to such inspections together with a notation of the action taken pursuant to the findings of such inspections. Each State shall be required to maintain a current inventory of all bridges. [104]

(e) The Secretary shall establish in cooperation with the State highway departments a program designed to train appropriate employees of the Federal Government and the State governments to carry out bridge inspections. Such a program shall be revised from time to time in light of new or improved techniques. For the purposes of this section the Secretary may use funds made available pursuant to the provisions of section 104(a) and section 307(a) of this title. [105]

Sec. 117. Certification acceptance.[106]

(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department, or that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction, of its performance of such responsibilities, if he finds such projects will be carried out in accordance with State laws, regulations, directives, and standards which will accomplish the policies and objectives contained in or issued pursuant to this title.

(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

[103a] Amended by sec. 114, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2107).

[104] Former subsec. (d) repealed by sec. 21(d)(2) of Public Law 86-70, June 25, 1959 (73 Stat. 141); amended by sec. 124(d), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2705).

[105] Subsecs. (d) and (e) added by section 26 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

[106] Retitled and amended by sec. 116(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 258); and amended by secs. 116(a) and (b) of Public Law 94-280, May 5, 1976 (90 Stat. 436).

(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do.

(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 303 of Title 49, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d),* et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601, et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title. [106a]

(f)(1) In the case of the Federal-aid secondary system, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.

(2) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

Sec. 118. Availability of sums apportioned.

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b)(1) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse.

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* "42 U.S.C. 2000d, et seq".

[106a] Amended by sec. 5(d)(1), Public Law 97-449, Jan. 12, 1983 (96 Stat. 2442).

(2) Except as otherwise provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time period prescribed by the preceding sentence shall be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities: First, for high cost projects which directly contribute to the completion of an Interstate segment which is not open to traffic; and second, for projects of high cost in relation to a State's apportionment. Sums may only be made available under this paragraph in any State if the Secretary determines that the State has obligated all of its apportionments other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) apply the funds to a ready-to-commence project; and (B) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

(3) Any amount apportioned to the States for the Interstate System under subsection (b)(5)(B) of section 104 of this title shall continue to be available for expenditure in that State for a period of two years after the close of the fiscal year for which such sums are authorized. Sums not obligated within the time period prescribed by the preceding sentence shall be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System to any other State applying for such funds, if the Secretary determines that the State has obligated all of its apportionments under such subsection other than an amount which, by itself, is insufficient to pay the Federal share of the cost of such a project which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) obligate the funds within one year of the date the funds are made available; (B) apply them to a ready-to-commence project; and (C) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

(4) Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of

the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure. [106b]

(c) Before any apportionment is made under section 104(b)(5)(A) of this title for a fiscal year beginning after September 30, 1983, the Secretary shall set aside $300,000,000. Such amount shall be available only for obligation by the Secretary in accordance with subsection (b)(2) of this section. [106c]

(d) In addition to amounts otherwise available to carry out this section, an amount equal to the amount by which the unobligated apportionment for the Interstate System in any State is reduced under section 103(e)(4) of this title on account of the withdrawal of a route or portion thereof on the Interstate System, which withdrawal is approved after the date of enactment of this subsection, shall be available to the Secretary for obligation in accordance with subsection (b)(2) of this section. [106d]

(e) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years. [106e]

(f) Funds made available to the State of Alaska under this title may be expended for construction of access and development roads on a Federal-aid system that will serve resource development, recreational, residential, commercial, industrial, or other like purposes. [107]

Sec. 119. Interstate System resurfacing.[108]

(a) Beginning with funds apportioned for fiscal year 1980, the Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978). In addition to projects approved under the preceding sentence, beginning with funds apportioned for fiscal year 1984, the Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing those routes or portions thereof on the Interstate System designated before the date of enactment of this sentence under section 139(a) of this title (other than routes on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) which routes or portions were so designated in conjunction with the withdrawal of approval of another route or portion thereof on the Interstate System under section 103(e)(4) of this title. Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title and the Federal share shall be that set forth in section 120(a) of this title. Effective on and after the date of enactment of this sentence, the Federal share for projects financed by funds apportioned under section 104(b)(5)(B) of title 23, for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System under this subsection shall be that set forth in section 120(c) of this title. [108a]

[106b] Amended by sec. 117(a) of Public Law 94-280, May 5, 1976 (90 Stat. 436–437); sec. 115(a), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2697); sec. 5(a), Public Law 96-106, Nov. 9, 1979 (93 Stat. 797); and sec. 115(a), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2107–2108).

[106c] New subsection 118(c) added by sec. 115(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2108).

[106d] Added new subsection 118(d) by sec. 115(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2108).

[106e] Former subsection 118(c) relettered as (e) by sec. 115(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2108).

[107] New subsection (d) added by sec. 7(a), Public Law 89-574, Sept. 13, 1960 (80 Stat. 766); relettered as (f) by sec. 115(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2108).

[108] Repealed by sec. 21(d)(3), Public Law 86–70, June 25, 1959 (73 Stat. 141); added by sec. 116(a), Public Law 95–599, Nov. 6, 1978 (92 Stat. 2698–2699).

(b) Not later than one year after the date of issuance of initial guidelines under section 109(m) of this title each State shall have a program for the Interstate system in accordance with such guidelines. Each State shall certify on January 1st of each year that it has such a program and the Interstate system is maintained in accordance with that program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate system in accordance with such program then the next apportionment of funds to such State for the Interstate system shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate system in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period the amount so withheld shall be reapportioned to all other eligible States. [108b]

(c) Reconstructing as authorized in subsection (a) of this section may include, but is not limited to, the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings along existing completed interstate routes, including the acquisition of right-of-way where necessary. [108c]

(d) Upon application by a State and approval by the Secretary, the Secretary may authorize the transfer of so much of the amount apportioned to such State for any fiscal year under paragraph (5)(A) of

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[108a] Amended by secs. 6(a) and 7, Public Law 97–134, Dec. 29, 1981 (95 Stat. 1699); sec. 116(a)(1) & (2), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2109).

[108b] Amended by sec. 18, Public Law 96–106, Nov. 9, 1979 (93 Stat. 799).

[108c] Added by sec. 6(b), Public Law 97–134, Dec. 29, 1981 (95 Stat. 1699); relettered as (c) by sec. 116(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2109).

subsection (b) of section 104 of this title, as does not exceed the Federal share of the cost of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes), in the most recent cost estimate, to the apportionment under paragraph (5)(B) of subsection (b) of section 104 of this title, except that not more than 50 per centum of the total apportionment under such paragraph (5)(A) for a fiscal year shall be transferred under this subsection for such fiscal year. The next cost estimate submitted to Congress under paragraph (5)(A) of subsection (b) of such section 104 of the cost of completing segments of the Interstate System open to traffic in that State (other than high occupancy vehicle lanes) shall be reduced for such State in an amount equal to the amount transferred under this subsection. [108d]

Sec. 120. Federal share payable.

(a) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system shall either (A) not exceed 75 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area, or (B) not exceed 75 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that the Federal share payable on any project in a State shall not exceed 95 per centum of the total cost of any such project. In any case where a State elects to have the Federal share provided in clause (B) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than one year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in clause (B) and what its share would be if it elected to pay the share provided in clause (A) for all projects subject to such agreement. [109]

[108d] Added by sec. 116(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2109).

[109] Amended by sec. 21(e)(4) of Public Law 86-70, June 25, 1959 (73 Stat. 141); sec. 3 of Public Law 86-657, July 14, 1960 (74 Stat. 522); by sec. 34 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 106(f) and sec. 108 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713), increased the Federal share to 70 percent to take effect with respect to

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108(b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project. Notwithstanding subsection (a) of this section, the Federal share payable on account of any project financed with primary funds on the Interstate System for resurfacing, restoring, rehabilitating, and reconstructing shall be the percentage provided in this subsection.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, and for any project for traffic control signalization or for pavement marking or for commuter carpooling and vanpooling, may amount to 100 per centum of the cost of construction of such projects, except that not more than 75 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection. The Federal share payable on account of any project for traffic control signalization under section 103(e)(4) of this title may

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authorizations for appropriations for fiscal years beginning after June 30, 1973; amended by sec. 129(a), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2707).

amount to 100 per centum of the cost of construction of such project.[109a]

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 100 per centum of the cost thereof: *Provided,* That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands, highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of other cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.[110]

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State.[111]

(i) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project.[111a]

[109a] Amended by secs. 117, 129(b), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2699, 2707); and secs. 117(b), 123(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2109-2110, 2113).

[110] Amended by sec. 107(b) of Public Law 86-342, Sept. 21, 1959 (73 Stat. 611); Public Law 88-658, Oct. 13, 1964 (78 Stat. 1090); sec. 9(a) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); sec. 27(b) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 109(b) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 129(c), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2707); sec. 153(f), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2133).

[111] Repealed by sec. 21(d)(4) of Public Law 86-70, June 25, 1959 (73 Stat. 141); new subsec. added by sec. 128 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

(i) The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.[111b]

(j) Notwithstanding any other provision of this section (other than subsection (i)*), of this title, or of any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under sections 143, 148, and 155, of this title and for those priority primary routes under section 147 of this title designated in Committee Print Numbered 97-61 of the Committee on Public Works and Transportation of the House of Representatives, and for funds allocated under the provisions of section 155 of this title and obligated subsequent to January 6, 1983, the Federal share payable on account of such project shall be 95 per centum of the cost thereof, unless—

(1) such project is on land owned by the United States in which case the Federal share shall be 100 per centum of the cost of such project, or

(2) a Federal share of the cost of the project greater than 95 per centum is specifically authorized by law.[111c]

(k) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use is 85 per centum of the cost of such project.[111d]

Sec. 121. Payment to States for construction.

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project. Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity. [112]

[111a] Added by sec. 129(i), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2708).

[111b] Added by sec. 156(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

*Refers to the (i) in footnote 111b.

[111c] Added by sec. 117(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2110); and amended by sec. 318, Public Law 98-78, Aug. 15, 1983 (97 Stat. 453).

[111d] Added by sec. 109(b), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2105).

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114(a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any project financed with Federal-aid highway funds shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering. However, this limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary. [113]

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

Sec. 122. Payment to States for bond retirement.

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, or for substitute highway projects approved under section 103(e)(4) of this title, may claim payment of any portion of the sums apportioned to it for expenditure on such system or on highway projects approved under section 103(e)(4) of this title to aid in the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide for the payment of the principal or interest of any such bonds. The payment of interest on such bonds and incidental costs in connection with the sale of such bonds shall not be included in the estimated cost of completing the Interstate System. [11a]

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[112] Added by sec. 117 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 259).

[113] Amended by sec. 7(b) of Public Law 88-157, Oct. 24, 1963 (77 Stat. 276); and by sec. 118(a) of Public Law 94-280, May 5, 1976 (90 Stat. 437).

Sec. 123. Relocation of utility facilities.

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

Sec. 124. Advance to States.

(a) If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects. [113b]

[11a] Amended by sec. 115(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2698); and sec. 107(f), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2103).

(b) Notwithstanding subsection (a) of this section, if the Secretary of Transportation determines that any toll bridge, toll tunnel, or approach thereto, which meets the requirements of section 129 of this title is necessary to complete an essential gap in the Interstate System then, upon request of the State highway department, the Secretary shall, at any time during construction of such bridge, tunnel, or approach and for one year after it is opened to traffic, and subject to the conditions and limitations of such section 129, advance to such State 100 per centum of the cost of construction of such bridge, tunnel, or approach. So much of the amount so advanced that exceeds the Federal share of such construction cost shall be repaid to the United States as follows:

(1) 50 per centum within one year of the date such bridge, tunnel, or approach is opened to traffic,

(2) 25 per centum within two years of such date of opening, and

(3) 25 per centum within three years of such date of opening.

Any advance made to a State under this subsection shall be from the funds apportioned to said State for the Interstate System. So much of any advance made to a State under this subsection required to be repaid shall be repaid with interest at a rate determined by the Secretary. If a State receives any advance under this subsection with respect to any toll bridge, tunnel, or approach thereto, then the provisions of section 103(e)(4) of this title shall not apply to such bridge, tunnel, or approach. [113c]

[113b] Paragraph designated as (a) by sec. 118 of Public Law 95–599, Nov. 6, 1978 (92 Stat. 2699).

[113c] New subsection added by sec. 118 of Public Law 95–599, Nov. 6, 1978 (92 Stat. 2699–2700).

Sec. 125. Emergency relief.

(a) An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic failures from any external cause, in any part of the United States. In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration. Subject to the following limitations, there is hereby authorized to be appropriated from the Highway Trust Fund such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis: (1) Not more than $50,000,000 is authorized to be expended in any fiscal year ending before July 1, 1972 and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after June 30, 1972 and ending before June 1, 1976, to carry out the provisions of this section and an additional amount not to exceed $100,000,000 is further authorized to be expended in the fiscal year ending June 30, 1973, to carry out the provisions of this section, and not more than $25,000,000 for the three-month period beginning July 1, 1976, and ending September 30, 1976, is authorized to be expended to carry out the provisions of this section, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1976, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all expenditures under this section is less than the amount authorized to be expended in such fiscal year, the unexpended balance of such amount shall remain available for expenditure during the next two succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years, and (2) prior to the fiscal year ending September 30, 1978, 60 per centum of the expenditures under this section for any fiscal year are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any moneys in the Treasury not otherwise appropriated, and for any fiscal year thereafter, 100 per centum of such expenditures are authorized to be appropriated out of the Highway Trust Fund. For the purposes of this section the period beginning July 1, 1976, and ending September 30, 1976, shall be deemed to be a part of the fiscal year ending September 30, 1977. Pending such appropriation or replenishment the Secretary may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriations herein authorized when made.[114]

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors, in accordance with the provisions of this chapter: *Provided,* That obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 in any State. Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors. Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.[114a]

(c) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are routes functionally classified as arterials or major collectors.[115]

Sec. 126. Diversion.

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Transportation shall promulgate from time to time.[116]

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[114] Amended by sec. 9(c) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); sec. 27(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 109(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); Public Law 92-361, Aug. 3, 1972 (86 Stat. 503); sec. 119(a) of Public Law 94-280, May 5, 1976 (90 Stat. 437-438); sec. 119 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2700); and sec. 153(a), (c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2132-2133).

[114a] Amended by sec. 119(b) of Public Law 94-280, May 5, 1976 (90 Stat. 438); sec. 19, Public Law 96-106, Nov. 9, 1979 (93 Stat. 799); and sec. 153(d), (h)(1), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2133-2134).

[115] Amended by sec. 107(a) of Public Law 86-342, Sept. 21, 1959 (73 Stat. 611); sec. 9(b) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); and sec. 153(h)(2), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled to any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104(b) of this title.

Sec. 127. Vehicle weight limitations—Interstate System.

(a) No funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned to any State which does not permit the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the National System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided,* That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.

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[116] Functions transferred to Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); amended by sec. 152(3) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

(b) No State may enact or enforce any law denying reasonable access to motor vehicles subject to this title to and from the Interstate Highway System to terminals and facilities for food, fuel, repairs, and rest. [117a]

Sec. 128. Public hearings.

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway. Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.[118]

[117a] Amended by sec. 106(a) and (b) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2283); sec. 120 of Public Law 94-280, May 5, 1976 (90 Stat. 438).; and sec. 133, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2123-2124).

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification and report.[119]

Sec. 129. Toll Roads, Bridges, Tunnels, and Ferries.[120]

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel; except in the case of a bridge which connects the United States with any foreign country: Provided, That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: And further provided, That the entity or governmental instrumentality responsible for the operation of the portion of

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[118] Amended by sec. 24 of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815); and sec. 135(a) of Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713).

[119] Amended by sec. 135(b) of Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713).

[120] Amended by Sec. 5(b) of Public Law 86–657, July 14, 1960 (74 Stat. 522).

the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.[121]

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility. Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956. After June 30, 1968, all agreements between the Secretary and a State highway department for the construction of projects on the Interstate System shall contain a clause providing that no toll road will be constructed after June 30, 1968, on the interstate highway route involved without the official concurrence of the Secretary. The Secretary shall not concur in any such construction unless he makes an affirmative finding that, under the particular circumstances existing, the construction of such road as a toll facility rather than a toll-free facility is in the public interest. The preceding two sentences shall not apply to any toll bridge or toll tunnel.[122]

(c) Funds authorized for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.[123]

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the

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[121] Amended by sec. 7 of Public Law 92–434, Sept. 26, 1972 (86 Stat. 732).

[122] Amended by sec. 28 of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815); and sec. 118(a) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 259).

[123] Amended by sec. 8(a) of Public Law 86–657, July 14, 1960 (74 Stat. 522).

toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road providing for only two lanes of traffic, which is designated part of the Interstate System as he may find necessary to bring such two lane toll road to the geometric and construction standards for the Interstate System in order to provide for the safe use of such highway as part of the Interstate System and to facilitate the removal of tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as in the construction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on two lane toll roads which were designated as a part of the Interstate System on or before June 30, 1973. Before Federal participation under this subsection, the State highway department and the toll road authority involved shall enter into an agreement with the Secretary which shall provide that—

(1) no indebtedness which is to be liquidated by the collection of tolls (in addition to indebtedness in existence on date of enactment in this subsection) shall be incurred after the date of enactment of this subsection;

(2) all tolls received from the operation of the toll road, less the actual cost of such operation and maintenance, shall be applied to the repayment of only those bonds outstanding on the date of enactment of this subsection constituting a valid lien against such toll road and its maintenance and operation and debt service during the period of toll collection;

(3) the toll road shall become free to the public upon collection of tolls sufficient to liquidate all such bonds. [124]

(f) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, the route of which has been approved under section 103(b) or (c) of this title as a part of one of the Federal-aid systems and has not been designated as a route on the Interstate System. Such ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition thereof, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.[125]

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[124] New subsection added by sec. 133 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and amended by sec. 118(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 259).

(g) * Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

(2) The operation of the ferry shall be on a route which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

(3) Such ferry shall be publicly owned and operated.

(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the islands which comprise the Commonwealth of Puerto Rico and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operation shall be in any foreign or international waters.[126]

(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amount so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title.[127]

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[125] New subsection (e) added by sec. 5(a) of Public Law 86-657, July 14, 1960 (74 Stat. 522); relettered by sec. 133 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

* Relettered by sec. 139(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 270).

[126] Amended by sec. 139(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 271); sec. 108 of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2284); and sec. 121 of Public Law 94-280, May 5, 1976 (90 Stat. 438).

[127] New subsection added by sec. 139 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1975, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1975, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and the exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount. [128]

(i) Notwithstanding section 301 of this title, the Secretary may permit Federal participation, through funds for any Federal-aid system other than the Interstate System, in any engineering and fiscal assessments, traffic analyses, network studies, preliminary modification planning, and any other study necessary to determine whether a privately owned toll bridge should be acquired by a State or political subdivision thereof. [128a]

Sec. 130. Railway-highway crossings.

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

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[128] New subsection added by sec. 132 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 267).

[128a] New subsection added by sec. 120 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2700).

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

Sec. 131. Control of outdoor advertising.[129]

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, [129a] shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary,

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[129] This section was revised by the Highway Beautification Act of 1965, Title I, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1028).

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (3) signs, displays and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.[129b]

[129a] Amended by sec. 109(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2284).

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.[130]

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.[130a]

[129b] Amended by sec. 109(b) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2284); secs. 121 and 122(c) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2700-2701); and sec. 6, Public Law 96-106, Nov. 9, 1979 (93 Stat. 797).

[130] Amended by sec. 6(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State Law and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.[130b]

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.[130c]

(j) Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement: Provided, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section. [131]

[130a] Amended by sec. 122(a) of Public Law 94-280, May 5, 1976 (90 Stat. 438).

[130b] Amended by sec. 109(c) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2284); and sec. 122(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2701).

[130c] Amended by sec. 122(c) of Public Law 94-280, May 5, 1976 (90 Stat. 439).

(k) Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section. [131a]

(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, not to exceed $20,500,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. [132]

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[131] Amended by sec. 6(b) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); and sec. 122(d) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2701).

[131a] Amended by sec. 122(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2701).

(n) No sign, display or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. [133]

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area. [133a]

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs). [133b]

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

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[132] Sec. 131(b) of original law was amended by sec. 106 of Public Law 86–342, Sept. 21, 1959 (73 Stat. 611); sec. 131(c) of original law was extended by sec. 106 of Public Law 87–61, June 29, 1961 (75 Stat. 122); and by sec. 5 of Public Law 88–157, Oct. 24, 1963 (77 Stat. 276); revised by sec. 101 of Public Law 89–285, Oct. 22, 1965 (79 Stat. 1028); which was amended by sec. 8(a) of Public Law 89–574, Sept. 13, 1966 (80 Stat. 766); sec. 6(c) of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815); and sec. 122(a) of Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713).

[133] New subsec. (n) added by sec. 6(c) of Public Law 90–495, (82 Stat. 815).

[133a] New subsec. (o) added by sec. 122(b) of Public Law 94–280, May 5, 1976 (90 Stat. 438).

[133b] New subsec. (p) added by sec. 122(b) of Public Law 94–280, May 5, 1976 (90 Stat. 439).

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed. [133x]

Sec. 132. Payments on Federal-aid projects undertaken by a Federal agency

Where a proposed Federal-aid project is to be undertaken by a Federal agency pursuant to an agreement between a State and such Federal agency and the State makes a deposit with or payment to such Federal agency as may be required in fulfillment of the State's obligation under such agreement for the work undertaken or to be undertaken by such Federal agency, the Secretary, upon execution of a project agreement with such State for the proposed Federal-aid project, many reimburse the State out of the appropriate appropriations the estimated Federal share under the provisions of this title of the State's obligation so deposited or paid by such State. Upon completion of such project and its acceptance by the Secretary, an adjustment shall be made in such Federal share payable on account of such project based on the final cost thereof. Any sums reimbursed to the State under this section which may be in excess of the Federal pro rata share under the provisions of this title of the State's share of the cost as set forth in the approved final voucher submitted by the State shall be recovered and credited to the same class of funds from which the Federal payment under this section was made. [134]

Sec. 133. Repealed.[135]

Sec. 134. Transportation planning in certain urban areas.

(a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location, and design of the project. [136]

[133x] New subsec. (q) added by sec. 122(b) of Public Law 94-280, May 5, 1976 (90 Stat. 438-439).

[134] Amended by sec. 4(a) of Public Law 86-657, July 14, 1960 (74 Stat. 522).

[135] Repealed effective July 1, 1970, by sec. 37 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

(b)(1) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area or areas, and in cooperation with the Governor, redesignate as the metropolitan planning organization any representative organization.

(2) Except as provided in paragraph (1), after the date of enactment of this subsection designations of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor. [136a]

(c) The Secretary may define those contiguous interstate areas of the Nation in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached, or is expected to reach, a critical volume in relation to the capacity of existing and planned transportation systems to efficiently accommodate present transportation demands and future growth. After consultation with the Governors and responsible local officials of affected States, the

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[136] New section added by sec. 9(a) of Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145); amended by sec. 143(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and sec. 169(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2723-2724).

[136a] New subsection (b) added by sec. 169(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2724).

Secretary may by regulation designate, for administrative and planning purposes, as a critical transportation region or a critical transportation corridor each of those areas which he determines most urgently require the accelerated development of transportation systems embracing various modes of transport, in accordance with purposes of this section. The Secretary shall immediately notify such Governors and local officials of such designation. The Secretary may, after consultation with the Governors and responsible local officials of the affected States, provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning, including highway planning, to meet the needs of such regions or corridors, composed of representatives of the affected States and metropolitan areas, and may provide assistance including financial assistance to such bodies. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $500,000 to carry out this subsection. [137]

Sec. 135. Traffic operations improvement programs.

(a) The Congress hereby finds and declares it to be in the national interest that each State shall have a continuing program designed to reduce traffic congestion and facilitate the flow of traffic.

(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems. [138]

Sec. 136. Control of junkyards.[139]

(a) The Congress hereby finds and declares that the establishment and use and maintenance of junkyards in area adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the establishment and maintenance along the Interstate System and the primary system of outdoor junkyards, which are within one thousand feet from the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

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[137] New subsection added by sec. 143(b) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713), and relettered as (c) by sec. 169(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2724).

[138] Former section added by sec. 4 of Public Law 89-139, Aug. 28, 1965 (79 Stat. 578), was repealed by sec. 102(a) of the Highway Safety Act of 1966, Public Law 89-564, Sept. 9, 1966 (80 Stat. 731); and new section added by sec. 10 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); repealed and relettered by sec. 119 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 259); amended by sec. 123(a) of Public Law 94-280, May 5, 1976 (90 Stat. 439).

[139] New section added by the Highway Beautification Act of 1965, Title II, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1028).

(c) Effective control means that by January 1, 1968, such junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight.

(d) The term "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

(e) The term "automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(f) The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance of operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(g) Notwithstanding any provisions of this section, junkyards, auto graveyards, and scrap metal processing facilities may be operated within areas adjacent to the Interstate System and the primary system which are within one thousand feet of the nearest edge of the right-of-way and which are zoned industrial under authority of State law, or which are not zoned under authority, but are used for industrial activities, as determined by the several States subject to approval by the Secretary.

(h) Notwithstanding any provision of this section, any junkyard in existence on the date of enactment of this section which does not conform to the requirements of this section and which the Secretary finds as a practical matter cannot be screened, shall not be required to be removed until July 1, 1970.

(i) The Federal share of landscaping and screening costs under this section shall be 75 per centum.

(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law. The Federal share of such compensation shall be 75 per centum.[140]

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[140] Amended by sec. 110 of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2285).

(k) All public lands or reservations of the United States which are adjacent to any portion of the interstate and primary systems shall be effectively controlled in accordance with the provisions of this section.

(l) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to outdoor junkyards on the Federal-aid highway systems than those established under this section.

(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $3,000,000 for the fiscal year ending June 30, 1971, not to exceed $3,000,000 for the fiscal year ending June 30, 1972, and not to exceed $5,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 3, 1967. [141]

Sec. 137. Fringe and corridor parking facilities.

(a) The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

(b) The Secretary shall not approve any project under this section until—

(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) he has entered into an agreement governing the financing, maintenance and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including neces-

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[141] Amended by sec. 8(a) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); sec. 6(e) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); and sec. 122(b) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

sary requirements to insure that adequate public transportation services will be available to persons using such facility; and

(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

(c) The term "parking facilities" for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

(d) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

(e) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.[142]

(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(5)(B) of this title, projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (A) are located outside of a central business district and within an interstate highway corridor, and (B) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (A) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (B) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

(3) For the purposes of this subsection, the terms "facilities" and "parking facilities" are synonymous and shall have the same meaning given "parking facilities" in subsection (c) of this section.[142a]

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[142] New section added by sec. 8(c)(1) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); and former section replaced by sec. 134(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[142a] Added by sec. 118, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2110).

Sec. 138. Preservation of parklands.[143]

It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge or national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to conduct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.

Sec. 139. Additions to Interstate System.

(a) Whenever the Secretary determines that a highway on the Federal-aid primary system meets all of the standards of a highway on the Interstate System and that such highway is a logical addition or connection to the Interstate System, he may, upon the affirmative recommendation of the State or States involved, designate such highway as a part of the Interstate System. The mileage of any highway designated as part of the Interstate System under this section shall not be charged against the limitation established by the first sentence of section 103(e) of this title. The designation of a highway as part of the Interstate System under this section shall create no Federal financial responsibility with respect to such highway, except that any State may use funds available to it under section 104(b)(1) of this title and, beginning with funds apportioned for fiscal year 1984, under section 104(b)(5)(B) of this title for the resurfacing, restoring, rehabilitating, and reconstructing of any route or portion thereof on the Interstate System on which a project may be approved under the second sentence of section 119(a) of this title. [144]

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[143] New section added by sec. 15(a) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); amended by sec. 18(a) of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); and sec. 124 of Public Law 94-280, May 5, 1976 (90 Stat. 440).

(b) Whenever the Secretary determines that a highway on the Federal-aid primary system would be a logical addition or connection to the Interstate System and would qualify for designation as a route on that system in the same manner as set forth in paragraph 1 of subsection (e) of section 103 of this title, he may upon the affirmative recommendation of the State or States involved designate such highway as a future part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the Secretary and the State or States involved. The mileage of any highway designated as a future part of the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(e) of this title. The designation of a highway as a future part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway except that Federal-aid highway funds otherwise available to the State or States involved for the construction of Federal-aid primary system highways may be used for the reconstruction of a highway designated as a route on the Interstate System under this subsection. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a future part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System. No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision thereof, shall refer to any highway under this section, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as such highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a part of the Interstate System.

(c) The Secretary shall designate those portions of highway segments on the Federal-aid primary system in States which have no Interstate System that are logical components to a system serving the State's principal cities, national defense needs and military installations, and traffic generated by rail, water, and air transportation modes. The

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[144] Added by sec. 16 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); and amended by sec. 140 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and sec. 116(a)(3), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2109).

designated segments shall have been constructed to the geometric and construction standards adequate for current and probable future traffic demands and the needs of the locality of the segment. The mileage of any highway designated as part of the Interstate System under this subsection shall not be charged against the limitation established by the first sentence of section 103(e)(1) of this title. The designation of a highway under this subsection shall create no Federal financial responsibility with respect to such highway, except that the State involved may use Federal-aid highway funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title, for the resurfacing, rehabilitation, restoration, and reconstruction of a highway designated as a route on the Interstate System under this subsection. [145]

Sec. 140. Nondiscrimination. [145a]

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. The Secretary shall periodically obtain from the Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder. [146]

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. [147]

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[145] New subsection added by sec. 140 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); amended by sec. 125 of Public Law 94-280, May 5, 1976 (90 Stat. 440); and sec. 10, Public Law 97-134, Dec. 29, 1981 (95 Stat. 1699).

[145a] Title changed by sec. 119(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2111).

[146] Added by sec. 22(a) of Public Law 90-495, Aug. 13, 1968 (82 Stat. 815); and amended by sec. 110 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and sec. 119(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2110).

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of section 302(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)). [147a]

Sec. 141. Enforcement of requirements.

(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.

(c)(1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately

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[147] New subsection added by sec. 110 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); amended by sec. 120 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 259); and sec. 126 of Public Law 94-280, May 5, 1976 (90 Stat. 440).

[147a] Added by sec. 119(b), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2110-2111).

enforcing all State laws restricting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title.

(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.[148]

(d) The Secretary shall reduce the State's apportionment of Federal-aid highway funds under section 104(b)(5) of this title in an amount up to 25 per centum of the amount to be apportioned in any fiscal year beginning after September 30, 1984, during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1954, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b)(5) of this title and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States.[148a]

Sec. 142. Public transportation.[149]

(a)(1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve high occupancy vehicle and public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the facility (including compensation to any person for operating the facility and for providing such shuttle service).[14a]

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[148] Added by sec. 107(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2284); and amended by sec. 123(d) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2702).

[148a] Added by sec. 143, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2129).

[149] Amended by sec. 121(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 260-261); as amended by sec. 127 (a) and (b) of Public Law 94-280, May 5, 1976 (90 Stat. 440).

(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b)(6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b)(6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than $200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b)(6) shall be available for the payment of the Federal share of projects for the purchase of buses.

(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.[14b]

(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b)(6) of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120(a) of this title. Funds previously apportioned to such State under section 104(b)(6) of this title shall be reduced by an amount equal to such Federal share.

(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

[14a] Amended by sec. 120(a), (b)(1), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2111).
[14b] Amended by sec. 120(b)(2), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2111).

(e)(1) For all purposes of this title, a project authorized by subsection (a)(1) of this section shall be deemed to be a highway project.

(2) Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the Federal-aid urban system, except to the extent determined inconsistent by the Secretary.

(3) The Federal share payable on account of projects authorized by subsection (a) of this section shall be that provided in section 120 of this title.

(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that high occupancy vehicles will fully utilize the proposed project. [149c]

(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby.

(h) The provision of assistance under subsection (a)(2) or subsection (c) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(i) Funds available for expenditure to carry out the purposes of subsection (a)(2) and subsection (c) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

(j) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (a)(2) and subsection (c) of this section.

(k) The Secretary shall not approve any project under subsection (a)(2) of this section in any fiscal year when there has been enacted an Urban Transportation Trust Fund or similar assured funding for both highway and public transportation.

[149c] Amended by sec. 120(b)(3), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2111).

Sec. 143. Economic growth center development highways.

(a) In order to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of development highways on a Federal-aid system (other than the Interstate system) to serve and promote the development of economic growth centers and surrounding areas, encourage the location of business and industry in rural areas, facilitate the mobility of labor in sparsely populated areas, and provide rural citizens with improved highways to such public and private services as health care, recreation, employment, education, and cultural activities, or otherwise encourage the social and economic development of rural communities, and for planning, surveys, and investigations in connection therewith.

(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways on a Federal-aid system (other than the Interstate system) to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for projects.

(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a project is located, the Secretary is authorized to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways on a Federal-aid system (other than the Interstate system) needed to provide appropriate access to such growth center, including publicly owned airport facilities and public ports for water transportation which may be established to serve it, in order to carry out the purposes of this section.

(d) Except as otherwise provided in this section, all of the provisions of this title applicable to highways on the Federal aid-system on which such development highway is located except those which the Secretary determines are inconsistent with this section shall apply to Development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year.

(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located.[150]

(f)(1) Except in the case of a project subject to paragraph (2) of this subsection, no project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he, after consultation with the Secretary of Commerce, deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth.

(2) In the case of a project proposed to be conducted within the Appalachian region as defined in section 403 of the Appalachian Regional Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman of the Appalachian Regional Commission. In the case of a project proposed to be conducted within an economic development region as defined in title V of the Public Works and Economic Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman for such region and the Secretary of Commerce. In consultation with the appropriate official, the Secretary shall establish criteria for the selection of growth centers eligible for assistance under this section such that the aims and purposes set forth in subsection (a) of this section will be promoted. Such criteria shall include, but not be limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, (2) growth centers shall have a population not in excess of one hundred thousand persons according to the latest available Federal census, and (3) the selection of such growth centers within the Appalachian region and the economic development regions shall take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth and he shall make arrangements for close coordination throughout the development

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[150] Amended by sec. 122(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 261).

and implementation of the project with the Federal Cochairman of the Appalachian Regional Commission, or with the appropriate Federal Cochairman of an economic development region, and the Secretary of Commerce, as the case may be.

(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973.[151]

Sec. 144. Highway bridge replacement and rehabilitation program.[152]

(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a highway bridge replacement and rehabilitation program be established to enable the several States to replace or rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States and the Secretary finds that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

(b) The Secretary, in consultation with the States, shall (1) inventory all those highway bridges on any Federal-aid system which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use; (3) based on that classification, assign each a priority for replacement or rehabilitation; and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(c)(1) The Secretary, in consultation, with the States, shall (1) inventory all those highway bridges on public roads, other than those on any Federal-aid system, which are bridges over waterways, other topographical barriers, other highways, and railroads, (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

(2) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsections (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure. [152a]

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[151] New section added by sec. 127(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[152] New section added by sec. 204 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and amended by sec. 124 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2702-2705).

(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid system bridges eligible for replacement, (2) Federal-aid system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. No State shall receive more than 10 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. [152aa]

(f) The Federal share payable on account of any highway bridge replaced or rehabilitated under this section shall be 80 per centum of the cost thereof.

(g)(1) To carry out this section, there is authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, $150,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, authorized by paragraph (6) of section 202 of the Highway Safety Act of 1978, all but $200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but $200,000,000 (multiplied by the factor determined under section 4(a) of such Act) shall be apportioned as provided in subsection (e) of this section. $200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 (multiplied by such factor) shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. [152b]

[152a] Amended by sec. 7(a), Public Law 96–106, Nov. 9, 1979 (93 Stat. 797).

[152aa] Amended by sec. 121(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2111-2112).

(2) Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, by section 5(a)(1) of the Federal-Aid Highway Act of 1982 and section 202(1) of the Highway Safety Act of 1982, all but $200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1983, September 30, 1984, Septempter 30, 1985, and September 30, 1986, shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary after consultation

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[152b] Amended by sec. 8(a), Public Law 96–106, Nov. 9, 1979 (93 Stat. 797); sec. 5(c)(2), Public Law 97–327, Oct. 15, 1982 (96 Stat. 1612–1613); and sec. 122(a), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2112).

with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when he determines that such State has inadequate needs to justify such expenditure.[152bb]

(h) Notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be replaced, in whole or in part, by this section, except that subsection (b) of section 502 of such Act of 1946 and section 9 of the Act of March 3, 1899 (30 Stat. 1151) shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if such bridge is over waters which are not subject to the ebb and flow of the tide, and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(i) The Secretary shall report annually on projects approved under this section, shall annually revise and report the current inventories authorized by subsections (b) and (c) of this section, and shall report such recommendations as he may have for improvement of the program authorized by this section.

(j) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis.

(k) Not later than six months after the date of enactment of this subsection, and periodically thereafter, the Secretary shall review the procedure used in approving or disapproving applications submitted under this section to determine what changes, if any, may be made to expedite such procedure. Any such changes shall be implemented by the Secretary as soon as possible. Not later than nine monthsafter the date of enactment of this subsection, the Secretary shall submit a report to Congress which describes such review and such changes, including any recommendations for legislative changes.

(*l*) Notwithstanding any other provision of law, any bridge which is owned and operated by an agency (1) which does not have taxing powers, (2) whose functions include operating a federally assisted public transit system subsidized by toll revenues, shall be eligible for assistance under this section but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement or rehabilitation project.

[152bb] Added by sec. 122(a), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2112).

(m) As used in this section the term "rehabilitate" in any of its forms means major work necessary to restore the structural integrity of a bridge as well as work necessary to correct a major safety defect.[152c]

Sec. 145. Federal-State relationship.

The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the State to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program.[153]

Sec. 146. Carpool and vanpool projects.[154]

(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title, projects designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term "carpool" includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section.

Sec. 147. Priority primary routes.[155]

(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities. For the purpose of this section such highways shall hereafter in this section be referred to as "priority primary routes".

[152c] Amended by sec. 7(b), Public Law 96–106, Nov. 9, 1979 (93 Stat. 797).

[153] New section added by sec. 123(a) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 261–262).

[154] Added by sec. 125(a) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 262–263); repealed by sec. 128 of Public Law 94–280, May 5, 1976 (90 Stat. 440); new section added by section 126(a) of Public Law 95–599, Nov. 6, 1978 (92 Stat. 2705–2706).

[155] Added by sec. 126(a) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 263–264); amended by sec. 130 of Public Law 94–280, May 5, 1976 (90 Stat. 440).

(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to the priority primary routes selected under this section.

(c) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before July 1, 1974.

(d) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $100,000 for the fiscal year ending June 30, 1974, $200,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976.

Sec. 148. Development of a national scenic and recreational highway.[156]

(a) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River. Such criteria shall include requirements that—

(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

(3) the Great River Road be marked with uniform identifying signs;

(4) effective control, as defined in section 131 of this title, of signs, displays, and devices will be provided along the Great River Road;

(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section except for parks, recreational areas, and historical sites operated by State or local governments where admission fees may be charged to cover operational costs.[156a]

(b) For the purpose of this section, the term "construction" includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities as determined by the Secretary.

(c) Highways constructed or reconstructed pursuant to this section (except subsection (f)) shall be part of the Federal-aid system.

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[156] Added by sec. 129(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 265-266).
[156a] Amended by sec. 125(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2705).

(d) Funds appropriated for each fiscal year pursuant to subsection (g) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out this section.

(e) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be that provided in section 120 of this title for the Federal-aid system on which such project is located, and if such project is not on such a system, such share shall be 75 per centum of such cost.[156b]

(f) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out this section. Highways constructed or reconstructed by a State pursuant to this section which are not on a Federal-aid system, and highways constructed or reconstructed under this subsection, shall be subject to the criteria applicable to highways constructed or reconstructed pursuant to subsection (c) of this section. Funds authorized pursuant to subsection (g) shall be used to pay the entire cost of construction or reconstruction pursuant to the first sentence of this subsection.

(g) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $10,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for construction and reconstruction of roads not on a Federal-aid highway system.

(h) The Secretary is authorized to provide for the construction of such spur highways as he determines necessary to connect the Great River Road, by the most direct feasible routes, with existing bridges across the Mississippi for the purpose of providing persons traveling such road with access to significant scenic, historical, recreational, or archeological features on the opposite side of the Mississippi River from the Great River Road.[156c]

Sec. 149. Truck lanes.[157]

The Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential truck lanes.

[156b] Amended by sec. 129(d) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2707).
[156c] Added by sec. 125(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2705).
[157] Added by sec. 142(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 272).

Sec. 150. Allocation of urban system funds.[158]

The funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in such urbanized areas for projects in programs approved under subsection (d) of section 105 of this title in accordance with a fair and equitable formula developed by the State which formula has been approved by the Secretary. Such formula shall provide for fair and equitable treatment of incorporated municipalities of 200,000 or more population. Whenever such a formula has not been developed and approved for a State, the funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 200,000 or more shall be allocated among such urbanized areas within such State for projects in programs approved under subsection (d) of section 105 of this title in the ratio that the population within each such urbanized area bears to the population of all such urbanized areas, or parts thereof, within such State. In the expenditure of funds allocated under the preceding sentence, fair and equitable treatment shall be accorded incorporated municipalities of 200,000 or more population. Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area. [158a]

Sec. 151. Pavement marking demonstration program.[159]

(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas. [159a]

(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

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[158] Added by sec. 157(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 277-278).

[158a] Amended by sec. 124 of Public Law 97-424, Jan. 6, 1983 (96 Stat. 2113).

[159] Added by sec. 205(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 284-285).

[159a] Amended by sec. 207(a) and (b) of Public Law 94-280, May 5, 1976 (90 Stat. 454).

(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1974, $25,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, out of the Highway Trust Fund, the sum of $75,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter for the Federal-aid primary system. On October 1 of 1978, 1979, and 1980 the Secretary shall allocate the sums authorized to carry out this section for that fiscal year among the several States in such manner as he deems most appropriate to expedite the completion of pavement marking of all highways. Any amounts allocated to the States remaining unobligated at the end of the fiscal year following the fiscal year for which such amounts are authorized shall immediately be reallocated by the Secretary among the other States. [159b]

(f) Funds not required for pavement-marking projects authorized by this section may be released by the Secretary for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potential. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfaction assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

(g) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than December 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate, and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such pavement markings. No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State. [159c]

Sec. 152. Hazard elimination program.[160]

(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists and pedestrians, assign priorities for the correction of such locations, sections and elements, and establish and implement a schedule of projects for their improvement.

[159b] Amended by sec. 127 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2707).

[159c] Amended by sec. 207(b), Public Law 94-280, May 5, 1976 (90 Stat. 454); sec. 209(c), Public Law 96-470, Oct. 19, 1980 (94 Stat. 2245); and sec. 111(a), Public Law 97-375, Dec. 21, 1982 (96 Stat. 1821).

[160] Added by sec. 209(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 286-287); amended by adding new subsec. (f) by sec. 131 of Public Law 94-280, May 5, 1976 (90

(b) The Secretary may approve as a project under this section any highway safety improvement project.

(c) Funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System). [160a]

(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as provided in section 402(c) of this title. Such funds shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement highway safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program (including but not limited to any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include rec-

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Stat. 441); retitled and amended by sec. 168(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2722-2723).

[160a] Amended by sec. 125, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2113).

ommendations for future implementation of the hazard elimination program.[160b]

(h) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.

Sec. 153. Repealed.[161]

Sec. 154. National maximum speed limit.[161a]

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

(b) As used in this section the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section.

(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour in accordance with criteria to be established by the Secretary, including criteria which takes into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles.

[160b] Amended by sec. 10(b), Public Law 96-106, Nov. 9, 1979 (93 Stat. 798); and sec. 210(b), Public Law 97-375, Dec. 21, 1982 (96 Stat. 1826).

[161] Added by sec. 210(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 287-288); and amended by adding new subsec. (f) by sec. 131 of Public Law 94-280, May 5, 1976 (90 Stat. 441); repealed by sec. 168(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2723).

[161a] Added by sec. 114(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2286) (subsections (a) thru (d) only); subsections (e) thru (i) added by section 205 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2729-2731).

(f) If the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding 55 miles per hour is greater than 50 percent, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1); 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 percent of the amount to be apportioned for the following fiscal year, in the case of fiscal years 1982 and 1983, and up to 10 percent, in the case of subsequent fiscal years. [161aa]

(g) In any case where the Secretary determines, in accordance with criteria established by the Secretary, that a reduction in apportionment required by subsection (f) of this section would result in hardship to a State, the fiscal year apportionment reduced for such State shall be the apportionment for one fiscal year later than the fiscal year to which such reduction would apply under subsection (f) but for such hardship determination.

(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld.

(i) Repealed. [161aaa]

Sec. 155. Access highways to public recreation areas on certain lakes.[161b]

(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

(1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.

(2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

[161aa] Amended by sec. 1108(a), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

[161aaa] Repealed by sec. 1108(b), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

[161b] Added by sec. 115(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2287).

(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 75 per centum of the cost of construction or reconstruction of such project. [161c]

(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

(d) For the purpose of this section the term "lake" means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes heretofore or hereafter constructed or authorized for construction.

(e) There is authorized to be appropriated not to exceed $25,000,000 for the fiscal year 1976 to carry out this section. Amounts authorized by this subsection for a fiscal year shall be available for that fiscal year and for the two succeeding fiscal years.

Sec. 156. Highways crossing Federal projects.[161d]

(a) The Secretary is authorized to construct and to reconstruct any public highway or highway bridge across any Federal public works project, notwithstanding any other provision of law, where there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized, and where such increased costs would work an undue hardship upon any one State. No such highway or bridge shall be constructed or reconstructed under authority of this section until the State shall agree that upon completion of such construction or reconstruction it will accept ownership to such highway or bridge and will thereafter operate and maintain such highway or bridge.

(b) There is hereby authorized to be appropriated not to exceed $100,000,000 to carry out this section. Amounts authorized by this subsection shall be available for the fiscal year in which appropriated and for two succeeding fiscal years.

Sec. 157. Minimum allocation.[161e]

(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of this Act, and in each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year of Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings funds under sections 103(e)(4), 104(b), 144, and 152 of this title and section 203 of the Highway Safety Act of 1973, as amended, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

[161c] Amended by sec. 129(e) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2708).
[161d] Added by sec. 132(a), Public Law 94-280, May 5, 1976 (90 Stat. 441).
[161e] Added by sec. 150(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2131-2132).

(b) Amounts allocated pursuant to subsection (a) of this section shall be available for obligation when allocated for the year authorized plus the three succeeding fiscal years, shall be subject to the provisions of this title 23 and may be obligated for Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings projects. Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section, except where the provision of law establishing such limitation specifically amends or limits the applicability of this sentence. Sums allocated pursuant to this section shall not be considered to be sums allocated for purposes of section 104(b) of the Highway Improvement Act of 1982.

(c) In order to carry out this section there is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, such sums as may be necessary for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

Chapter 2.—OTHER HIGHWAYS

Sec. 201. Authorizations.

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park road, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title. [161f]

Sec. 202. Allocations.[161g]

(a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the national forest system as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

(b) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest development roads and trails according to the relative needs of the various national forests. Such allocation shall be consistent with the renewable resource and land use planning for the various national forests.

(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities.

(d) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for park roads and parkways each according to the relative needs of the various elements of the national park system, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

[161f] Amended by sec. 126(f), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2116).

[161g] Title changed by Sec. 126(a), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2113).

(e) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.[161h]

Sec. 203. Availability of funds.

Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park road, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or on October 1 of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of three years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, public lands development roads and trails, park road, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.[162]

Sec. 204. Federal Lands Highways Programs.[162a]

(a) Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the Federal-aid systems, there is established a coordinated Federal lands highways program which shall consist of the forest highways, public lands highways, park roads, parkways, and Indian reservation roads as defined in section 101 of this title.

[161h] Amended by sec. 133, Public Law 94-280, May 5, 1976 (90 Stat. 441); and sec. 126(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2113-2114).

[162] Amended by sec. 8(b) of Public Law 86-657, July 14, 1960 (74 Stat. 522); sec. 7 of Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145); sec. 117(b) ( ) and (2) of Public Law 94-280, May 5, 1976 (90 Stat. 437); and sec. 126(f), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2116).

[162a] Amended by sec. 126(b), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2114-2115).

(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe as deemed advisable. In the case of Indian reservation roads, Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior. No ceiling on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

(c) Before approving as a project on an Indian reservation road any project on a Federal-aid system in a State, the Secretary must determine that the obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads, of a fair and equitable share of funds apportioned to such State under section 104 of this title.

(d) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

(e) Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the Secretary of the Interior shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. Notwithstanding the foregoing, the provisions of section 23 of the "Buy Indian" Act of June 25, 1910 (36 Stat. 891), and the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2205) shall apply to all funds administered by the Secretary of the Interior which are appropriated for the construction and improvement of Indian reservation roads.

(f) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

(g) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

(h) Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements.

Sec. 205. Forest development roads and tracts.

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the costs of construction and maintenance thereof, including roads and trails on experimental and other areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.[163]

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost $15,000 or more per mile or $15,000 or more per project for projects with a length of less than one mile, exclusive of bridges and engineering, shall be advertised and let to contract. If such estimated cost is less than $15,000 per mile or $15,000 per project for projects with a length of less than one mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.[164]

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

Sec. 206. Repealed.[165]

Sec. 207. Repealed.[166]

Sec. 208. Repealed.[167]

Sec. 209. Repealed.[168]

Sec. 210. Defense access roads.

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry site, and to the sources of raw material when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

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[163] Amended by sec. 4(d) of Public Law 88–423, Aug. 13, 1964 (78 Stat. 397); and sec. 5(c) of Public Law 86–657, July 14, 1960 (74 Stat. 522).

[164] Amended by sec. 9 of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815).

[165, 166, 167, 168] Repealed by sec. 126(d), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2115).

(c) Funds appropriated for defense maneuvers and exercises, may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training. [16a]

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

[16a] Amended by sec. 155, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

(g) If the Secretary shall determine that it is necessary for the expeditious completion of any defense access road project he may advance to any State out of funds appropriated for defense access roads transferred and available to the Department of Commerce the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special fund by the State official authorized by State law to receive such funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired and for construction which has been actually performed under this section. Upon determination by the Secretary that funds advanced to any State under the provisions of this subsection are no longer required, the amount of the advance which is determined to be in excess of requirements for the project shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. [169]

(h) Funds appropriated for the purposes of this section shall be available to pay the cost of repairing damage caused to highways by the operation of vehicles and equipment in the construction of classified military installations and facilities for ballistic missiles if the Secretary shall determine that the State highway department of any State is, or has been, unable to prevent such damage by restrictions upon the use of such highways without interference with, or delay in, the completion of a contract for the construction of such military reservations or installations. This subsection shall apply notwithstanding any provision of contract holding a party thereto responsible for such damage, if the Secretary of Defense or his designee shall determine, in fact, that construction estimates and the bid of such party did not include allowance for repairing such damage. This subsection shall apply to damage caused by construction work commenced prior to June 1, 1961, and still in progress on that date and construction work which is commenced or for which a contract is awarded on or after June 1, 1961. [170]

Sec. 211. Timber access road hearings.

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of section 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient * or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

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[169] New subsec. (g) added by sec. 8(d) of Public Law 86-657, July 14, 1960 (74 Stat. 522); and functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931).

[170] New subsec. (h) added by sec. 105 of Public Law 87-61, June 29, 1961 (75 Stat. 122).

*So in original—probably should be "convenience".

Sec. 212. Inter-American Highways.

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into a agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway which rights-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.[171]

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

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[171] See Proviso, sec. 4 of Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145).

Sec. 213. Rama Road.

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

Sec. 214. Public lands development roads and trails.

(a) Funds available for public lands development roads and trails shall be used to pay the cost of construction and improvement of such roads and trails.

(b) Funds available for public lands development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

(c) Repealed. [172]

Sec. 215. Territorial highway program.[173]

(a) Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, and American Samoa, and to the United States from the improvement of highways in such territories of the United States, the Secretary is authorized to assist each such territorial government in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of such territory and approved by the Secretary. Federal financial assistance shall be granted under this subsection to such territories upon the basis of a Federal contribution of *100* per centum of the cost of any project. [173a]

(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and collector highways, including necessary interisland connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure with respect to any territory until the Governor enters into an agreement with the Secretary providing that the government of such territory (1) will design and construct a system of arterial and collector highways, including necessary interisland connectors, built in accordance with standards approved by the Secretary; (2) will not impose any toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the facilities constructed or operated under the provisions of this section; (3) will provide for the maintenance of such facilities in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

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[172] Added by sec. 6(b), Public Law 87-866, Oct. 23, 1962 (76 Stat. 1145); and repealed by sec. 126(d), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2115).

[173] New section added by sec. 112 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[173a] Amended by sec. 129(f) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2708).

(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

(2) In addition to the percentage provided in paragraph (1) of the subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.

(f) The provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. [173b]

Sec. 216. Darien Gap Highway.[174]

(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the "Darien Gap" to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the "Darien Gap Highway". Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republics of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by the Department of State.

[173b] Amended by sec. 9, Public Law 96-106, Nov. 9, 1979 (93 Stat. 798).

[174] New section added by sec. 113(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

(e) For the purposes of this section the term "construction" does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings.

Sec. 217. Bicycle transportation and pedestrian walkway.[175]

(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(b)(1) To encourage energy conservation, including the development, improvement, and use of bicycle transportation, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles, and carry out nonconstruction projects related to safe bicycle use. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(2) In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilita-

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[175] Added by sec. 124(a), Public Law 93-87, Aug. 13, 1973 (87 Stat. 262); and amended by sec. 134, Public Law 94-280, May 5, 1976 (90 Stat. 441); sec. 141(h), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2712); and sec. 126, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2116-2117).

tion, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(3) No bicycle project shall be authorized by this section unless the Secretary shall have determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

(c) For all purposes of this title, a pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such pedestrian walkway project shall be 100 per centum.

(d) For all purposes of this title, a bicycle project authorized by subsection (b) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be 100 per centum.

(e) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways in conjunction with such trails, roads, highways, and parkways.

(f) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes.

(g) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

(h) Not more than $45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a), (b), (e), and (f) of this section. No State shall obligate more than $4,500,000 for such projects in any fiscal year, except that the Secretary may, upon application, waive this limitation for a State for any fiscal year.

Sec. 218. Alaska Highway.[176]

(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. Notwithstanding any other provision of law, in addition to such funds, upon agreement with the State of Alaska, the Secretary is authorized to expend on such highway any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum. Notwithstanding any other provision of law, any obligation limitation enacted for fiscal year 1983 or for any other fiscal year thereafter shall not apply to projects authorized by the preceding sentence. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

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[176] Added by sec. 127(a)(1) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 264); amended by Public Law 94-147, Dec. 12, 1975 (89 Stat. 803); and sec. 158, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2135).

(1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of such highways;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

Sec. 219. Safer off-system roads.[176a]

(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road, including, but not limited to, the correction of safety hazards, the replacement of bridges, the elimination of high-hazard locations and roadside obstacles.

(b) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

(1) Two-thirds according to the following formula—

(A) one-third in the ratio which the area of each State bears to the total area of all States;

[176a] Added by sec. 122(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2289 and 2290); amended and retitled by sec. 135(a) of Public Law 94-280, May 5, 1976 (90 Stat. 441-442).

(B) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

(C) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

(2) One-third in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

(c) Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis. Not less than 50 per centum of the funds obligated in any State under this section in any fiscal year shall be obligated for highway safety improvement projects.[176b]

(d) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

(e) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

(f) As used in this section, the terms "off-system road" means any toll-free road (including bridges), which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel.

[176b] Amended by sec. 168(d) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2723); and sec. 10(a), Public Law 96-106, Nov. 9, 1979 (93 Stat. 798).

Chapter 3.—GENERAL PROVISIONS

Sec. 301. Freedom from tolls.

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

Sec. 302. State highway department.

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit. In meeting the provisions of this subsection, a State may engage, to the extent necessary or desirable, the services of private engineering firms.[177]

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

Sec. 303. Repealed.[178]

Sec. 304. Participation by small business enterprises.

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

Sec. 305. Archeological and paleontological salvage.

Funds authorized to be appropriated to carry out this title to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the perservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.[179]

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[177] Amended by sec. 11 of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766).

[178] Repealed by sec. 7(b), Public Law 97-449, Jan. 12, 1983 (96 Stat. 2445).

Sec. 306. Mapping.

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

Sec. 307. Research and planning.

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title, funds authorized to carry out section 403 of this title, and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.[180]

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.[181]

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[179] Amended by sec. 8(e) of Public Law 86-657, July 14, 1960 (74 Stat. 522).

[180] Amended by sec. 103 of the Highway Safety Act of 1966, Public Law 89-564, Sept. 9, 1966 (80 Stat. 731); and sec. 115(c) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[181] Amended by sec. 136(c) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); and sec. 112(b)(2), Public Law 96–470, Oct. 19, 1980 (94 Stat. 2239).

(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use. [182]

(2) One and one-half per centum of the sums apportioned for each fiscal year beginning with the fiscal year 1983 to any State under sections 104 and 144 of this title shall be available for expenditure by the State highway department only for the purposes enumerated in paragraph (1) of this subsection. [183]

(3) In addition to the percentage provided in paragraph (2) of this subsection, not to exceed one-half of one per centum of sums apportioned for each fiscal year beginning with the fiscal year 1964 under paragraphs (1), (2), and (3) of section 104(b) of this title shall be available for expenditure upon request of the State highway department for the purposes enumerated in paragraph (1) of this subsection, including demonstration projects in connection with such purposes. [184]

(4) Sums made available under paragraphs (2) and (3) of this subsection shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching. [185]

(5) The sums provided pursuant to paragraph (2) of this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title. [185a]

(d) As used in this section the term "safety" includes, but is not limited to, highway safety systems, research, and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured. [186]

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[182] Amended by sec. 151, Public Law 93-87, Aug. 13, 1973 (87 Stat. 276); and sec. 156(d), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

[183] Amended by sec. 156(b), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

[184] Amended by sec. 126, Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[185] New subsec. (c)(2), (3), and (4), added by sec. 11, Public Law 87-866 Oct. 23, 1962 (76 Stat. 1145).

[185a] Added by sec. 156(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

[186] Added by sec. 103, Public Law 89-564, Sept. 9, 1966 (80 Stat. 731).

(e) The Secretary shall report to the Congress in January 1983, and in January of every second year thereafter, estimates of the future highway needs of the Nation. [186a]

Sec. 308. Cooperation with Federal and State agencies and foreign countries.

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and roadbuilding equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Federal Highway Administration shall be available for the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Federal Highway Administration or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations. [187]

Sec. 309. Cooperation with other American Republics.

The President is authorized to utilize the services of the Federal Highway Administration in fulfilling the obligations of the United States under the Convention on the Pan-American Highway between the United States and other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section. [188]

Sec. 310. Civil defense.

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Transportation is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.[189]

[186a] Added by sec. 161(a), Public law 97-424, Jan. 6, 1983 (96 Stat. 2135).

[187] Technical amendment—sec. 152(5), Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

[188] Technical amendment—sec. 152(5) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

Sec. 311. Highway improvements strategically important to the national defense.

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

Sec. 312. Detail of Army, Navy, and Air Force officers.

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Federal Highway Administration of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Transportation on the same basis as authorized by law and by regulations of the Department of Defense for such officers.[190]

Sec. 313. Repealed.[191]

Sec. 314. Relief of employees in hazardous work.

The Secretary is authorized in an emergency to use appropriations to the Department of Transportation for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Federal Highway Administration engaged in hazardous work.[192]

Sec. 315. Rules, regulations, and recommendations.

Except as provided in sections 204(d), 205(a), 206(b), 207(b) and 208(c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

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[189] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); and technical amendment—sec. 152(3) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

[190] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); and technical amendment—secs. 152(5) and 152(6) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

[191] Repealed by sec. 102 of Public Law 89-564, Sept. 9, 1966 (80 Stat. 731).

[192] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); and technical amendments—secs. 152(5) and 152(6) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 276).

Sec. 316. Consent by United States to conveyance of property.

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

Sec. 317. Appropriation for highway purposes of lands or interests in lands owned by the United States.

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

Sec. 318. Highway relocation due to airport.

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

Sec. 319. Landscaping and scenic enhancement.

The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.[193]

Sec. 320. Bridges on Federal dams.

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

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[193] Sec. 319 was revised by sec. 301 of the Highway Beautification Act of 1965, Public Law 89–285, Oct. 22, 1965 (79 Stat. 1028); subsec. (b) was amended by sec. 8(b) of Public Law 89–574, Sept. 13, 1966 (80 Stat. 768); sec. 6(f) of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815); and sec. 136(a) of Public Law 94–280, May 5, 1976 (90 Stat. 442–443).

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.[194]

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed $65,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions; including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section. [195]

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[194] Amended by sec. 4(c) of Public Law 88-423, Aug. 13, 1964 (78 Stat. 397).

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

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[195] Amended by sec. 108 of Public Law 86-342, Sept. 21, 1959 (73 Stat. 611); sec. 116(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 128(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 265): sec. 123(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2290); sec. 137(a) of Public Law 94-280, May 5, 1976 (90 Stat. 443); and sec. 128(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2707).

Sec. 321. National Highway Institute.

(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the "Institute". The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.[195a]

(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals.[196]

Sec. 322. Demonstration project—rail crossings.

(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts. The Secretary may permit selected individual public crossings of unusually low-potential hazard to remain at ground level, if they are provided with the best available protection.[196a]

[195a] Amended by sec. 11, Public Law 96-106, Nov. 9, 1979 (93 Stat. 798).

[196] New section added by sec. 115(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[196a] Amended by sec. 117 of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2288) and sec. 5(d)(3), Public Law 97-449, Jan. 12, 1983 (96 Stat. 2442).

(b) the Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section. [197]

Sec. 323. Donations.

Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been fully informed of his right to receive just compensation for the acquisition of his property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine. [198]

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[197] Added by sec. 205(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[198] New section added by sec. 145(a) of Public Law 93-87, Aug. 1973 (87 Stat. 273); amended by sec. 112 of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2286).

Sec. 324. Prohibition of discrimination on the basis of sex.[199]

No person shall on the ground of sex be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

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[199] New section added by sec. 162(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 280).

Chapter 4.—HIGHWAY SAFETY [200]

Sec.

401. Authority of the Secretary.
402. Highway safety programs.
403. Highway safety research and development.
404. National Highway Safety Advisory Committee.
405. Repealed.
406. School bus driver training.
407. Innovative project grants.

Sec. 401. Authority of the Secretary.[201]

The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety. For the purposes of this chapter, the term "State" means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated.[202]

Sec. 402. Highway safety programs.

(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform standards promulgated by the Secretary. Such uniform standards shall be expressed in terms of performance criteria. Such uniform standards shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition such uniform standards shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehi-

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[200] Ch. 4 added by sec. 101 of Public Law 89-564, Sept. 9, 1966 (80 Stat. 731).
[201] Added by sec. 230 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 293-294).
[202] Amended by sec. 218 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 290).

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cle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services. Such standards as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations. The Secretary shall be authorized to amend or waive standards on a temporary basis for the purpose of evaluating new or different highway safety programs instituted on an experimental, pilot, or demonstration basis by one or more States, including, but not limited to, such programs for identifying accident causes, adopting measures to reduce accidents, and evaluating effectiveness of such measures, where the Secretary finds that the public interest would be served by such amendment or waiver. [203]

(b) (1) The Secretary shall not approve any State highway safety program under this section which does not—

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program. [204]

(B) authorize political subdivisions of such State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform standards of the Secretary promulgated under this section.

(C) provide that at least 40 per centum of all Federal funds apportioned under this section to such State for any fiscal year will be expended by the political subdivisions of such State in carrying out local highway safety programs authorized in accordance with subparagraph (B) of this paragraph.

(D) provide for comprehensive driver training programs, including (1) the initiation of a State program for driver education in the school systems or for a significant expansion and improvement of such a program already in existence, to be administered by appropriate school officials under the supervision of the Governor as set forth in subparagraph (A) of this paragraph; (2) the training of qualified school instructors and their certification; (3) appropriate regulation of other driver training schools, including licensing of the schools and certification of their instructors; (4) adult driver training programs, and programs for the retraining of selected drivers; (5) adequate research, development and procurement of practice driving facilities, simulators, and other similar teaching aids for both school and other driver training use, and (6) driver education programs, including research, that will assure greater safety for bicyclists using public roads in such State. [205]

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[203] Amended by sec. 231(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 294); and sec. 207(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2731).

[204] Amended by sec. 203(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713), to be effective Dec. 31, 1971; and sec. 207(b)(1) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2731).

(E) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State. [206]

(F) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles. [206a]

(2) The Secretary is authorized to waive the requirement of subparagraph (C) of paragraph (1) of this subsection, in whole or in part, for a fiscal year for any State whenever he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during such fiscal year.

(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a) including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment. After December 31, 1969, the Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination. [207]

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[205] Amended by sec. 231(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 294); subsec. formerly (E), relettered as (D) by sec. 1107(e), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

[206] Added by sec. 228, Public Law 93-87, Aug. 13, 1973 (87 Stat. 293); formerly (F), relettered as (E) by sec. 1107(e), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

[206a] Amended by sec. 207(c), Public Law 95-599, Nov. 6, 1978 (92 Stat. 2731-2732); formerly (G), relettered as (F) by sec. 1107(e), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

(d) All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning and administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term "State highway department" as used in such provisions shall mean the Governor of a State for the purposes of this section.[208]

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[207] Amended by sec. 13 of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815); sec. 202(c) of Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713); sec. 215 of Public Law 93–87, Aug. 13, 1973 (87 Stat. 290); sec. 216 of Public Law 93–87, Aug. 13, 1973 (87 Stat. 290); sec. 217 of Public Law 93–87, Aug. 13, 1973 (87 Stat. 290); secs. 208(a), 211, and 212 of Public Law 94–280, May 5, 1976 (90 Stat. 454–455); and sec. 208, Public Law 97–424, Jan. 6, 1983 (96 Stat. 2140).

(e) Uniform standards promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform standards for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

(g) Nothing in this section authorizes the appropriation or expenditure of funds for (1) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into standards) or (2) any purpose for which funds are authorized by section 403 of this title.

(h) Repealed.[209]

(i) For the purpose of the application of this section on Indian reservations, "State" and "Governor of a State" includes the Secretary of the Interior and "political subdivision of a State" includes an Indian tribe: *Provided,* That, notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further,* That the provisions of subparagraph (E) of subsection (b) (1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable. [210]

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[208] Amended by sec. 202(d) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 207(b) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 286); and sec. 207(d) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2732).

[209] Added by sec. 202(e) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); amended by sec. 229 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 293); and repealed by sec. 1107(c), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

(j) The Secretary of Transportation shall, not later than September 1, 1981, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Such rule shall be promulgated taking into account consideration of the States having a major role in establishing these programs. Not later than April 1, 1982, the Secretary shall promulgate a final rule establishing those programs determined most effective in reducing accidents, injuries, and deaths. Before such rule shall take effect, it shall be transmitted to Congress. If such rule is not transmitted by April 1, 1982, it shall not take effect before October 1, 1983. If such rule is transmitted by April 1, 1982, it shall take effect October 1, 1982, unless before June 1, 1982, either House of Congress by resolution disapproves such rule. If such rule is disapproved by either House of Congress, the Secretary shall not apportion or obligate any amount authorized to carry out this section for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1981. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this chapter. [211]

Sec. 403. Highway safety research and development.

(a) The Secretary is authorized to use funds appropriated to carry out this subsection to carry out safety research which he is authorized to conduct by subsection (a) of section 307 of this title. In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel. [212]

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[210] Added by sec. 207(a), Public Law 93-87, Aug. 13, 1973 (87 Stat. 285-286).

[211] Added by sec. 219, Public Law 93-87, Aug. 13, 1973 (87 Stat. 290-291); amended by sec. 204, Public Law 94-280, May 5, 1976 (90 Stat. 453); and sec. 1107(d), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626).

[212] Relettered as (a) by sec. 208(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 286).

(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.[213]

(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.[214]

(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section.[215]

(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions.[216]

(f) In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. [217]

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[213] Amended by sec. 208(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 286).
[214] Added by sec. 208(a) of Public Law 93-87, Aug. 13, 1973 (87 Stat. 286).
[215] Added by sec. 221 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 291).
[216] Added by sec. 222 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 291).

Sec. 404. National Highway Safety Advisory Committee.

(a)(1) There is established in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom shall be Federal officers or employees. The Secretary shall select the Chairman of the Committee from among the Committee members. The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various States and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of members first taking office after the date of enactment of this section shall expire as follows: Twelve at the end of one year after the date such committee members are appointed by the President, twelve at the end of two years after the date such committee members are appointed by the President, and eleven at the end of three years after the date such committee members are appointed, as designated by the President at the time of appointment, and (iii) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President who has served a three-year term, other than Federal officers or employees, shall be eligible for reappointment within one year following the end of his preceding terms. [218]

(B) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such

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[217] Added by sec. 226 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 292).

[218] Technical Amendment—sec. 223 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 292); and amendment by sec. 209 of Public Law 94-280, May 5, 1976 (90 Stat. 455).

Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) * for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Commerce such staff and facilities as are necessary to carry out the functions of such Committee. [219]

Sec. 405. Repealed.[220]

Sec. 406. School bus driver training.

(a) The Secretary is authorized to make grants to the States for the purpose of carrying out State programs approved by him of driver education and training for persons driving school buses.

(b) A State program under this section shall be approved by the Secretary if such program—

(1) provides for the establishment and enforcement of qualifications for persons driving school buses;

(2) provides for initial education and training and for refresher courses;

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* Has been codified at 5 U.S.C. 5703(b)–(d), in part.

[219] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89–670, Oct. 15, 1966 (80 Stat. 931).

[220] Added by sec. 230 of Public Law 93–87, Aug. 13, 1973 (87 Stat. 293–294); and repealed by sec. 135(c) of Public Law 94–280, May 5, 1976 (90 Stat. 442).

(3) provides for periodic reports to the Secretary on the results of such programs; and

(4) includes persons driving publicly operated, and persons driving privately operated, school buses.

(c) Not less than $7,500,000 of the sums authorized to carry out section 402 of this title for fiscal year 1976 shall be obligated to carry out this section. Not less than $7,000,000 of the sums authorized to carry out section 402 of this title for each of the fiscal years 1977 and 1978 shall be obligated to carry out this section. All sums authorized to carry out this section shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title, and shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under such subsection (c). The Federal share payable on account of any project to carry out a program under this section shall not exceed 75 per centum of the cost of the project. [220a]

Sec. 407. Innovative project grants.[221]

(a) In addition to other grants authorized by this chapter, the Secretary may make grants in any fiscal year to those States, political subdivisions thereof, and nonprofit organizations which develop innovative approaches to highway safety problems in accordance with criteria to be established by the Secretary in cooperation with the States, political subdivisions thereof, and such nonprofit organizations as the Secretary deems appropriate.

(b) The Secretary shall establish a procedure for the selection of grant applications submitted under this section. In developing such procedure, the Secretary shall consult with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate.

(c) Any State, political subdivision thereof, and nonprofit organization may make an application under this section to carry out an innovative project described in subsection (a) of this section. Such application shall be in such form and contain such information as the Secretary, by regulation, prescribes.

(d) Not to exceed 2 per centum of the funds authorized to be appropriated to carry out this section shall be available to the Secretary for the necessary costs of administering the provisions of this section.

(e) The Secretary shall submit an annual report to the Congress which provides a description of each application received for a grant under this section and an evaluation of innovative projects carried out with grants made under this section.

[220a] New section added by sec. 126(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2291); amended by sec. 205 of Public Law 94-280, May 5, 1976 (90 Stat. 453); and sec. 129(g) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2708).

[221] New section added by sec. 208(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2732).

Sec. 408. Alcohol traffic safety programs.[222]

(a) Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those states which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year the State receives a grant under this section, 75 per centum of the cost of implementing and enforcing in such fiscal year the alcohol traffic safety program adopted by the State pursuant to subsection (a);

(2) in the second fiscal year the State receives a grant under this section, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third fiscal year the State receives a grant under this section, 25 per centum of the cost of implementing and enforcing in such fiscal year such program.

(d)(1) Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(1) shall equal 30 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title.

(2) Subject to subsection (c), the amount of a supplemental grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(2) shall not exceed 20 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title. Such supplemental grant shall be in addition to any basic grant received by such State.

(e)(1) For purposes of this section, a State is eligible for a basic grant if such State provides—

(A) for the prompt suspension, for a period not less than ninety days in the case of a first offender and not less than one year in the case of any repeat offender, of the driver's license of any individual who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and (i) to whom is administered one or more chemical tests to determine whether the individual was intoxicated while operating the motor vehicle and who is determined, as a result of such tests, to be intoxicated, or (ii) who refuses to submit to such a test as proposed by the officer;

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[222] New section added by sec. 101(a), Public Law 97-264, Oct. 25, 1982 (96 Stat. 1738).

(B) for a mandatory sentence, which shall not be subject to suspension or probation, of (i) imprisonment for not less than forty-eight consecutive hours, or (ii) not less than ten days of community service, of any person convicted of driving while intoxicated more than once in any five-year period;

(C) that any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

(D) for increased efforts or resources dedicated to the enforcement of alcohol-related traffic laws and increased efforts to inform the public of such enforcement.

(2) For purposes of this section, a State is eligible for a supplemental grant if such State is eligible for a basic grant and in addition provides for some or all of the criteria established by the Secretary under subsection (f).

(f) The Secretary shall, by rule, establish criteria for effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol, which criteria shall be in addition to those required for a basic grant under subsection (e)(1). The Secretary shall establish such criteria in cooperation with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary may deem appropriate. Such criteria may include, but need not be limited to, requirements—

(1) for the establishment and maintenance of a statewide driver recordkeeping system from which repeat offenders may be identified and which is accessible in a prompt and timely manner to the courts and to the public;

(2) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while intoxicated;

(3) for the impoundment of any vehicle operated on a State road by any individual whose driver's license is suspended or revoked for an alcohol-related driving offense;

(4) for the establishment in each major political subdivision of a State of locally coordinated alcohol traffic safety programs which are administered by local officials and are financially self-sufficient;

(5) for the grant of presentence screening authority to the courts;

(6) for the setting of the minimum drinking age in such State at twenty-one years of age;

(7) for the consideration of and, where consistent with other provisions of State law and constitution the adoption of, recommendations that the Presidential Commission on Drunk Driving may issue during the period in which rules are being made to carry out this section.

(g) There is hereby authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

SUBPART B.—CROSS REFERENCE TABLES FROM TITLE 23, UNITED STATES CODE, TO TITLE 23, CODE OF FEDERAL REGULATIONS, AND TO THE FEDERAL-AID HIGHWAY PROGRAM MANUAL (revision date: 6/3/83)

United States Code section	Code of Federal Regulations, part/subpart/section	Federal-Aid Highway Program Manual, volume-chapter-section-subsection
101	1.2	
	660 A	6-9-2-1
	668 A	6-9-16-1.
		6-3-2-4.
		6-4-3-1.
101(a)	476	
	630 D	6-3-2-1.
	655 D	6-8-3-4.
	660 A	6-9-2-1
	668 A & B	6-9-16-1 and 6-9-16-2
	712 E	7-2-5.
		4-6-3.
101(e)	140 G	1-4-5.
	626	6-2-4-1
	640	6-5-2.
	642	6-5-3.
	655 A	6-8-2-2.
	662	6-9-11.
	772	7-7-3.
	922	8-2-2.
102		
103		6-3-2-4.
103(b)(2)	470 A	4-6-7.
103(c)(2)		
103(d)(2)		
103(e)		6-1-1-5.
103(e)(1)	470 A	4-6-7.
103(e)(2)	476	
103(e)(3)	470 A	4-6-7.
103(e)(4)		6-1-1-10.
103(e)(5)	480	
103(e)(6)	480	
103(f)	470 A	4-6-7.
103(g)	476	
103(h)	476	
104	630 G	6-3-2-7.
	655 G	6-8-3-3.
		6-3-2-4.
		6-4-3-1.
104(b)		6-1-1-5.
		6-8-3-10.
104(c)	160 A and B	1-6-3-1 and 1-6-3-2.
104(d)	160 A and B	1-6-3-1 and 1-6-3-2.
104(f)	172	1-7-2.
	420 A	4-1-2-1.
	450 C	4-4-7.
104(f)(3)	450 A	4-4-2 and 4-4-2-1 and 4-4-2-2.
104(g)	160 C	1-6-6.
105	450 B	4-4-6.
	630 A	6-3-2-2.
	655 G	6-8-3-3.
105(f)	924	8-2-3.

SUBPART B.—CROSS REFERENCE TABLES FROM TITLE 23, UNITED STATES CODE, TO TITLE 23, CODE OF FEDERAL REGULATIONS, AND TO THE FEDERAL-AID HIGHWAY PROGRAM MANUAL (revision date: 6/3/83)—Continued

United States Code section	Code of Federal Regulations, part/subpart/section	Federal-Aid Highway Program Manual, volume-chapter-section-subsection
106	1.11 (a), (b), and (d)	
	630 A	6-3-2-2.
	630 B	6-3-3-1.
106(a)	633 B	6-9-10-1.
106(d)		6-1-1-1 6-1-1-9.
107	712 E	7-2-5.
108	1.9	
108(a)	712 B, E, and H	7-2-2 and 7-2-2-2 and 7-2-5.
108(c)	130 D	1-3-4.
	712 G	7-2-7.
109	625	6-2-1-1.
	630 A	6-3-2-2.
	652	6-2-5-2. 6-4-2-10 6-4-3-1. 7-7-8.
109(a)	626	6-2-4-1.
	650 A	6-7-3-2.
	650 F	6-7-2-7. 6-1-2-1
109(b)	626	6-2-4-1.
	630 J	6-4-2-12.
	655 F	6-8-3-1. 6-8-3-2.
109(c)	626	6-2-4-1.
109(d)	630 J	6-4-2-12.
	655 C	6-8-3-8.
	655 F	6-8-3-1. 6-8-3-2.
109(e)	646 B	6-6-2-1.
109(g)	650 B	6-7-3-1.
109(h)	200	2-1-2.
	650 B	6-7-3-1.
	650 E	6-7-3-3.
	660 A	6-9-2-1
	770 B	7-7-9.
	771	
	772	7-7-3.
	790	7-7-5.
109(i)	772	7-7-3.
109(j)	770 B	7-7-9.
	771	
109(m)	635 E	6-4-3-1.
109(o)	625	6-2-1-1
110	630 C	6-3-1-1.
111	1.23	
	712 E	7-2-5.
	713 B	7-4-3.
	752	6-2-5-1
112	635 C	6-4-2-1.
	635 D	6-4-1-16. 6-1-1-1
112(b)	230 D	2-2-3.
	635 B	6-4-1-14.
112(c)	635 A	6-4-1-6.
113	630 G	6-3-2-7.
	635 A	6-4-1-6.
	635 C	6-4-2-1.

SUBPART B.—CROSS REFERENCE TABLES FROM TITLE 23, UNITED STATES CODE, TO TITLE 23, CODE OF FEDERAL REGULATIONS, AND TO THE FEDERAL-AID HIGHWAY PROGRAM MANUAL (revision date: 6/3/83)—Continued

United States Code section	Code of Federal Regulations, part/subpart/section	Federal-Aid Highway Program Manual, volume-chapter-section-subsection
114	633 B	6-9-10-1.
	635 A	6-4-1-6.
	635 C	6-4-2-1.
	637 B	6-4-2-7.
	712 H	7-2-2-2.
		6-4-2-8.
		6-4-2-10
114(a)	140 G	1-4-5.
	172	1-7-2.
	633 A	6-4-1-1.
	655 F	6-8-3-1.
115	630 G	6-3-2-7.
116	1.27	
	635 E	
	645 B	6-6-3-2
	650 C	
	650 F	6-7-2-7
	1206	
		6-4-3-1.
117	1.34	
	640	6-5-2.
		6-1-2-1.
	635 A	6-4-1-6.
117(f)	642	6-5-3.
118	630 A	6-3-2-2.
	633 B	6-9-10-1.
119		
120	1.31	
	140 A	1-4-6.
120(d)	646 B	6-6-2-1.
120(f)	668 A and B	6-9-16-1 and 6-9-16-2.
121	1.9	
	1.31	
	140 A	1-4-6.
	140 E	1-4-2-4.
	140 G	1-4-5.
	140 H	1-4-2-3.
	710 C	7-1-3.
121(c)	630 C	6-3-1-1,
	710 C	7-1-3.
121(d)	140 B	1-4-2-6.
122	140 F	1-4-8.
123	1.11(c)	
	645 A	1-4-4.
	645 B	6-6-3-2.
124		
125	668 A and B	6-9-16-1 and 6-9-16-2.
126	1.28	
127		
	657	6-8-5
128	771	7-7-2.
	790	7-7-5.
129		7-7-8.
130		
	1.11(c)	
	140 I	1-4-3.
	646 A	6-6-2-2.
	646 B	6-6-2-1.

SUBPART B.—CROSS REFERENCE TABLES FROM TITLE 23, UNITED STATES CODE, TO TITLE 23, CODE OF FEDERAL REGULATIONS, AND TO THE FEDERAL-AID HIGHWAY PROGRAM MANUAL (revision date: 6/3/83)—Continued

United States Code section	Code of Federal Regulations, part/subpart/section	Federal-Aid Highway Program Manual, volume-chapter-section-subsection
131	750 D	7-2-12.
	750 E	7-6-2-1.
	750 G	7-6-2.
	752	6-2-5-1.
131(f)	655 C	6-8-3-8.
131(j)	1.35	
	190	1-4-7.
132		
133 (repealed)		
134	450 A	4-4-2-, 4-4-2-1, and 4-4-2-2.
	630 A	6-3-2-2.
134(a)	450 B	4-4-6.
135	450 B	4-4-6.
	655 A	6-8-2-2.
	655 G	6-8-3-3.
		6-1-2-1.
136	751	7-6-4.
137	810	6-3-4.
	825	
	660 A	6-9-2-1
138	771	
139		
140		6-1-1-5.
	230 A	6-4-1-2.
	230 C	2-2-2.
	230 D	2-2-3.
141	657	6-8-5
	659	
142	810	6-3-4.
	825	
142(g)	713 B	7-4-3.
143	490 A	4-8-2.
144	650 C	
	650 D	6-7-4-1.
	650 F	6-7-2-7
145	1.3	
146	656	6-8-2-3
147	470 C	4-6-6-1.
148	661	6-9-15.
149	810	6-3-4.
	825	
150		
151	920	8-2-1.
152	652	6-2-5-2.
	924	8-2-3.
153 (repealed)		
154	659	
155		
156		
157		
201		
202(a)	660 A	
202(c)	667	6-9-4-1.
203		
204	633 C	6-4-1-4.
	637 B	6-4-2-7.
	660 A	6-9-2-1. 6-9-2-3. 6-9-2-5.
205	633 C	6-4-1-4.

SUBPART B.—CROSS REFERENCE TABLES FROM TITLE 23, UNITED STATES CODE, TO TITLE 23, CODE OF FEDERAL REGULATIONS, AND TO THE FEDERAL-AID HIGHWAY PROGRAM MANUAL (revision date: 6/3/83)—Continued

United States Code section	Code of Federal Regulations, part/subpart/section	Federal-Aid Highway Program Manual, volume-chapter-section-subsection
*206 (repealed)	633 C	6-4-1-4.
	637 B	6-4-2-7.
		6-9-3-1.
		6-9-3-2.
*207 (repealed)		6-9-3-1.
		6-9-3-2.
*208 (repealed)	633 C	6-4-1-4.
		6-9-17.
*209 (repealed)	633 C	6-4-1-4.
	637 B	6-4-2-7.
	667	6-9-4-1.
		6-9-3-2.
210	633 C	6-4-1-4.
	637 B	6-4-2-7.
	660 E	6-9-5.
	666	6-10-2.
210(e)	712 E	7-2-5.
211		
212		
213		
214	633 C	6-4-1-4.
		6-9-4-2.
215		
216		
217	652	6-2-5-2.
	655 F	6-8-3-1.
218		
219	922	8-2-2.
301		
302	1.3	
	1.4	
	1.5	
	1.9	
	1.11	
	1.36	
	12	1-9-1-1.
	710 B	7-1-2.
	713 A	7-4-1.
	713 B	7-4-3.
	713 C	7-4-2.
303 (repealed)		
304	230 B	6-4-1-8.
	635.106	6-4-1-6.
305		
306		
307	655 G	6-8-3-3.
		4-5-2.
		6-4-2-4.
		6-4-3-1.
307(a)	260 A	3-2-1.
307(c)	172	1-7-2.
	420 A	4-1-2-1.
	511	5-1-1.
		6-9-12.
308		6-9-3-1.
		6-9-3-2.
		6-9-4-2.
		6-9-13.
309		
310		

SUBPART B.—CROSS REFERENCE TABLES FROM TITLE 23, UNITED STATES CODE, TO TITLE 23, CODE OF FEDERAL REGULATIONS, AND TO THE FEDERAL-AID HIGHWAY PROGRAM MANUAL (revision date: 6/3/83)—Continued

United States Code section	Code of Federal Regulations, part/subpart/section	Federal-Aid Highway Program Manual, volume-chapter-section-subsection
311		
312		
313 (repealed)		
314		
315	All parts	
316		
317	712 E	7-2-5.
318	620 A	6-1-1-2.
319	650 E	6-7-3-3.
	713.304(d)	7-4-2.
	752	6-2-5-1.
320	630 H	6-3-2-6.
321	260 A	3-2-1.
321(b)	260 D	3-1-2.
321(c)	260 D	3-1-2.
322		
323	712 A	7-2-1.
	712 C	7-2-3.
	712 D	7-2-4.
324	200	2-1-2.
	260.115(a)	3-2-1.
	633 B, App. A	6-9-10-1, Attach. 4.
	633 B, App. B	6-9-10-1, Attach. 5
	633 B, App. C	6-9-10-1, Attach. 6
401	1204	
402	172	1-7-2.
	924	8-2-3.
	1204 B	
	1205	
	1252	
402(a)	625	6-2-1-1
	630 J	6-4-2-12.
	655 F	6-8-3-1.
	1206	
	1230	
402(b)	652	6-8-3-2.
	1250	6-2-5-2.
	1251	
402(c)	460	4-5-3.
402(j)	1213	
	1214	
403	260 A	3-2-1.
		5-1-1,.
		5-1-2.
404		
405 (repealed)		
406		
407	1217	
408		

• Consolidated into one program, "Federal Lands Highway Program," at 23 U.S.C. § 204 by § 126 of Pub. L. 97-424, Jan. 6, 1983, 96 Stat. 2113.

REGULATIONS WITH MAIN AUTHORITY OTHER THAN TITLE 23, U.S.C.

23 CFR	*FHPM*	*23 CFR*	*FHPM*
11 C	1-6-4.	710 A	7-1-1.
16	None.	710 C	7-1-3.
17	1-6-2.	710 D	7-1-4.
200	2-1-2.	712 B-F, & H	7-2-2 thru 7-2-5.
230 B	2-2-3.	720 B	7-3-1 thru 7-3-5.
620 B	6-1-1-8.	740 A thru F	7-5-1 thru 7-5-6.
633 B	6-9-10-1.	771	
635.410	None.	820	4-8-4.
650 C	None.	825	None.
658	None.		
663	6-9-14.		

SUBPART C. SECTIONS OF HIGHWAY LAWS NOT CODIFIED IN TITLE 23 U.S.C., AND OTHER RELATED LAWS AND MATERIAL

FEDERAL-AID HIGHWAY ACTS

FEDERAL-AID HIGHWAY ACT OF 1954

Public Law 350, 83d Cong., May 6, 1954, 68 Stat. 70

AN ACT To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 14. For the purpose of expediting the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of title 23, United States Code, and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretaries of Transportation and Interior pursuant to the Act of August 24, 1949 (Public Law 262, Eighty-first Congress), there is hereby authorized to be expended by the Secretary of Transportation from general administrative funds not to exceed $600,000; the amount expended under this section shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary of Transportation. [1]

FEDERAL-AID HIGHWAY ACT OF 1956—Title I

Public Law 627, 84th Cong., June 29, 1956, 70 Stat. 374

AN ACT To amend and supplement the Federal-Aid Road Act approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuel, tires, and trucks and buses; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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[1] Amended by Public Law 88–660, Oct. 13, 1964 (78 Stat. 1092); functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89–670, Oct. 15, 1966 (80 Stat. 931); sec. 129(a) of Public Law 93–87, Aug. 13, 1973 (87 Stat. 265); and sec. 2(a), Public Law 97–449, Jan. 12, 1983 (96 Stat. 2439).

Sec. 102. Federal-aid highways.

* * * * * * *

(a)(1) AUTHORIZATION OF APPROPRIATIONS.—* * * The sums herein authorized for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system.

(B) 30 per centum for projects on the Federal-aid secondary highway system.

(C) 25 per centum for projects on extensions of these systems within urban areas.

* * * * * * *

Sec. 108. National System of Interstate and Defense Highways

* * * * * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of $1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of $1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of $1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of $2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of $2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of $2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of $3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of $3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1980, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of $3,100,000,000 for the fiscal year ending September 30, 1983, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1987, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1990. Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319 (b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966. Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967. Effective on and after the date of enactment of this sentence, the obligation of funds authorized by this subsection, except for advance construction interstate projects approved before the date of enactment of this sentence, shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate System which shall consist of (1) full access control; (2) a pavement design to accommodate the types and volume of traffic anticipated for the twenty-year period from date of authorization of the initial basic construction contract; (3) essential environmental requirements; (4) a design of not more than six lanes (exclusive of high occupancy vehicle lanes) in rural areas and all urbanized areas under four hundred thousand population, and up to eight lanes (exclusive of high occupancy vehicle lanes) in urbanized areas of four hundred thousand population or more as shown in the 1980 Federal census; and (5) those high occupancy vehicle lanes (including approaches and all directly related facilities) included in the interstate cost estimate for fiscal year 1981. The obligation of funds authorized by this subsection shall be further limited to the actual costs of only those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate, except in any case where the Secretary of Transportation determines that a provision of Federal law requires a different design, location, geometric, or other construction feature of a type authorized by this subsection. For purposes of this subsection, construction necessary to provide a minimum level of acceptable service on the Interstate System shall include, but not be limited to, any construction on the Interstate System which is required under a court order issued before the date of enactment of this sentence. Notwithstanding any other provision of law, including any other provision of this subsection, where a project is to be constructed (1) to provide parking garage ramps in conjunction with high occupancy vehicle lanes which flow into a distributor system emptying directly into ramps for off-street parking with preferential parking for carpools, vanpools, and buses and the ramps are part of an environmental mitigation effort and are designed to feed into an aerial walkway system, or (2) to provide a parking lot near the terminus of an Interstate System spur route which radiates from an Interstate System beltway which will be used as an intermodal transfer facility for a light rail transit project to be constructed in the median of the spur route and the parking lot is part of an environmental mitigation effort, or (3) to provide a parking garage and associated facilities as part of an intermodal transfer facility with a transit system near or within an Interstate System route right-of-way which will have direct and indirect access to the facility by way of local streets and the parking garage and associated facilities are part of an environmental mitigation effort, or (4) to provide for the comprehensive upgrading of existing high occupancy vehicle lanes, new ramps and parking facilities at mass transit intermodal transfer points on an existing Interstate System route which has temporary high occupancy vehicle lanes in the median and the parking facilities and ramps are part of an environmental mitigation effort, the costs of such parking garage ramps, parking lots, parking garages, associated interchange ramps, high occupancy vehicle lanes, and other associated work eligible under title 23, United States Code, shall be eligible for funds authorized by this subsection as if the costs for these projects were included in the 1981 interstate cost estimate and shall be included as eligible projects in any future interstate cost estimate. [2]

(c) APPORTIONMENT FOR 1957, 1958, AND 1959.—The additional sums herein authorized for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959, shall be apportioned among the several States in the following manner: one-half in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census: *Provided*, That no State shall receive less than three-fourths of 1 per centum of the money so apportioned; and one-half in the manner now provided by law for the apportionment of funds for the Federal-aid primary system. The additional sum herein authorized for the fiscal year ending June 30, 1957, shall be apportioned immediately upon enactment of this Act. The additional sums herein authorized for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

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[2] Amended by sec. 7(a) of Public Law 85-381, Apr. 16, 1958 (72 Stat. 89), and by sec. 102 of Public Law 86-342, Sept. 21, 1959 (73 Stat. 611); and superseded and supplemented by sec. 103 of Public Law 87-61, June 29, 1961 (75 Stat. 122); further amended by sec. 1 of Public Law 89-139, Aug. 28, 1965 (79 Stat. 578); sec. 2 of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766); sec. 2 of Public Law 90-495, Aug. 23, 1968 (82 Stat. 815); sec. 102 of Public Law 91-605, Dec. 31, 1970 (85 Stat. 1713); sec. 102 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 250); sec. 102(a) of Public Law 94-280, May 5, 1976 (90 Stat. 425); sec. 102(a) and (b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2689); sec. 4(a), (b), Public Law 97-134, Dec. 29, 1981 (95 Stat. 1699; sec. 2, Public Law 97-327, Oct. 15, 1982 (96 Stat. 1611); and secs. 102, 127(a), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2097, 2117-2118).

* * * * * * *

TITLE II—HIGHWAY REVENUE ACT OF 1956

(See Subpart D of this Part, pp. II-376—II-377)

FEDERAL-AID HIGHWAY ACT OF 1958

Public Law 85-381, 85th Cong., April 16, 1958, 72 Stat. 89

AN ACT To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, and the Act approved June 29, 1956 (70 Stat. 374), to authorize appropriations for continuing the construction of highways, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

Sec. 2. Additional authorization of appropriation of Federal-aid primary, secondary, and urban funds

(a) AMOUNT AND APPORTIONMENT.—For the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1959, $400,000,000 in addition to any sums heretofore authorized for such fiscal year. The sum herein authorized shall be apportioned: (A) 45 per centum for projects on the Federal-aid primary highway system, (B) 30 per centum for projects on the Federal-aid secondary highway system, and (C) 25 per centum for projects on extensions of these systems within urban areas among the several States immediately upon enactment of this Act in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), using the same percentage distribution as was used in the apportionment of Federal-aid highway funds heretofore authorized for the fiscal year ending June 30, 1959.

(b) AVAILABILITY FOR EXPENDITURE.—The amounts authorized to be appropriated in section 2(a) herein shall be available for expenditure pursuant to contracts awarded or work commenced by the State highway departments prior to December 1, 1958, for completion of construction prior to December 1, 1959, subject to delays caused by circumstances and conditions beyond the control of, and without the fault of any contractor on such contracts, and delays created by acts of God. Any amounts apportioned to a State under provisions of this section remaining unexpended on December 1, 1958, shall lapse: *Provided,* That such funds shall be deemed to have been expended when covered by contracts awarded or work commenced prior to December 1, 1958, and on account of which formal agreements with the Secretary of Commerce are entered into prior to January 1, 1959, for specific projects.

(c) EXPENDITURE WITHOUT LIMITATION AS TO SYSTEM.—The sums apportioned under this section shall be available for expenditure for projects on the primary or secondary Federal-aid systems, including extensions of these systems within urban areas, without limitation as to the amount of any class of funds, primary, secondary, or urban, apportioned for projects on any system.

(d) FEDERAL SHARE.—The Federal share payable on account of any project provided for by funds made available under the provisions of this section shall not exceed 66⅔ per centum of the total cost thereof plus, in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, a percentage of the remaining 33⅓ per centum of such cost equal to the percentage that the area of such lands in such State is of its total area: *Provided,* That such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(e) AUTHORIZATION OF APPROPRIATION FOR INCREASING FEDERAL SHARE.—For the purpose of assisting any State in meeting the requirements for State funds to match any sums apportioned to such State under the provisions of this section, there is hereby authorized to be appropriated the sum of $115,000,000, which sum may be used by the Secretary of Commerce upon the request of any State to increase the Federal share payable on account of any project provided for by funds made available under the provisions of this section: *Provided,* That the amount of such increase of the Federal share shall not exceed two-thirds of the State's share of the cost of such project.

(f) REPAYMENT OF AMOUNTS USED TO INCREASE FEDERAL SHARE.—The total amount of such increases in the Federal share as are made pursuant to subsection (e) above, shall be repaid to the Federal Government by making deductions of sums equal to the amounts so expended for projects on the Federal-aid primary highway system, the Federal-aid secondary highway system and extensions of such systems in urban areas in two equal annual installments from the amounts available to such State for expenditure on such highways under any apportionment of funds herein or hereafter authorized to be appropriated therefor for the fiscal years ending June 30, 1961, and June 30, 1962.

(g) CONTRACT AUTHORITY.—Approval by the Secretary of Commerce of any project on account of which the Federal share is increased under the provisions of this section shall be deemed a contractual obligation of the Federal Government for the payment of such increase in the Federal share, and its expenditure shall be governed by the provisions of subsection (b) of this section.

(h) DECLARATION OF INTENT.—It is hereby declared to be the intent of the Congress that the sum authorized under subsection (a) of this section shall be supplementary to, and not in lieu of, any other sum heretofore or herein authorized for expenditure on the Federal-aid primary or secondary systems, including extensions of these systems within urban areas, and is made available for the purpose of immediate acceleration of the rate of highway construction on these systems beyond that being accomplished with funds heretofore authorized.

Sec. 3. Forest highways and forest development roads and trails

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of section 23 of the Federal Highway Act of 1921 (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the additional sum $5,000,000 for the fiscal year ending June 30, 1959, and the sum of $33,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961; and (2) for forest development roads and trails the additional sum of $5,000,000 for the fiscal year ending June 30, 1959, and the sum of $30,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961: * * * *Provided further,* That the additional sum authorized under this subsection for forest highways for the fiscal year ending June 30, 1959, shall be apportioned for expenditure in each State, Alaska, and Puerto Rico immediately upon enactment of this Act: *Provided further,* That the additional amount herein authorized for the fiscal year ending June 30, 1959, and the amounts authorized herein for forest highways for each of the fiscal years ending June 30, 1960, and June 30, 1961, shall be apportioned for expenditure in each State, Alaska, and Puerto Rico in the same percentage as the amounts apportioned for expenditure in each State, Alaska, and Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958: * * *

* * * * * * *

FEDERAL HIGHWAY ACT OF 1960

Public Law 86–657, 86th Cong., July 14, 1960, 74 Stat. 522

AN ACT To authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

REPAYMENT OF FEDERAL-AID FUNDS

SEC. 6. (a) The amount of all Federal-aid highway funds paid on account of those sections of Federal-aid Interstate Route 95 in the States of Delaware and Maryland from a point in the vicinity of Farnhurst, Delaware, to a point in the vicinity of the proposed Whitemarsh Interchange in Baltimore County, Maryland, proposed as the location for a toll express highway, shall, prior to the collection of tolls thereon, be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)." At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on such sections of said Interstate Route and programed for Federal-aid participation shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the States, respectively. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of all projects on said sections of Federal-aid Interstate Route 95, as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

* * * * * * *

FEDERAL-AID HIGHWAY ACT OF 1962

Public Law 87-866, 87th Cong., Oct. 23, 1962, 76 Stat. 1145

AN ACT To authorize appropriations for the fiscal years 1964 and 1965 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

THE RAMA ROAD

SEC. 3. That in order to provide for completion of the Rama Road in the Republic of Nicaragua, there is hereby authorized to be appropriated to the Department of State, in addition to the sums heretofore authorized, the sum of $850,000, to be available until expended, for discharging the United States obligation under the applicable agreement with the Government of Nicaragua: *Provided,* That the survey and construction work shall be under the general supervision of the Secretary of Transportation: *Provided further,* That funds provided pursuant to this authorization shall not be available for expenditure except under the conditions set forth in section 213 of title 23, United States Code, with respect to the authorization contained in that section: *And provided further,* That the funds authorized in this section shall be available for contract immediately upon the passage of this Act. [3]

INTER-AMERICAN HIGHWAY

SEC. 4. For the purpose of completing the construction of the Inter-American Highway, there is hereby authorized to be appropriated the additional sum of $42,000,000 to be expended in accordance with the provisions of section 212 of title 23 of the United States Code: *Provided,* That no part of such sum shall be obligated in any country until that country demonstrates, to the satisfaction of the Secretary, that it is capable of and willing to meet its commitment for maintenance under the agreements entered into pursuant to the provisions of section 212(a)(5) of title 23, United States Code. Not to exceed $12,000,000 of the funds authorized herein shall be available for contract immediately upon enactment of this Act and compliance with such commitment, except that such contract authority shall be reduced by such amounts as are appropriated for construction of the Inter-American Highway by the Eighty-seventh Congress, second session.

ALASKA HIGHWAY STUDY

SEC. 13. (a) The Secretary of Transportation, in cooperation with the State of Alaska, is hereby authorized to make engineering studies and estimates and planning surveys relative to a highway construction program for the State of Alaska, and, in accordance with treaties or other agreements to be negotiated with Canada by the Secretary of State in consultation with the Secretary of Transportation, engineering studies, estimates, and planning surveys relative to connecting Alaskan roads with Canadian roads at the International boundary. [4]

(b) On or before May 15, 1964, the Secretary of Transportation shall submit a report to the Congress which shall include— [5]

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[3] [4] [5] [6] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); amended by sec. 144 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 273); and sec. 2(a), Public Law 97-449, Jan. 12, 1983 (96 Stat. 2439).

(1) an analysis of the adequacy of the Federal-aid highway program to provide for a satisfactory program in both the populated and the undeveloped areas in Alaska;

(2) specific recommendations as to the construction of roads through undeveloped areas of Alaska and connection of such roads with Canadian roads at the International boundary; and

(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

(c) From time to time, either before or after submission of the report provided for in subsection (b) of this section, the Secretary of Commerce may submit recommendations to the Congress with respect to the construction of particular highways to carry out the purposes of this section. [6]

(d) Nothing in this section shall be construed as creating any obligation in the Congress, express or implied, to carry out the recommendations referred to in subsections (b) and (c).

(e) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $800,000 for the purpose of making the studies, surveys, and report authorized by subsections (a) and (b) hereof.

FEDERAL-AID HIGHWAY ACT OF 1964

Public Law 88–423, 88th Cong., Aug. 13, 1964, 78 Stat. 397

AN ACT to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal-Aid Highway Act of 1964".

SEC. 2. For the purpose of carrying out the provisions of title 23 of the United States Code the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,000,000,000 for the fiscal year ending June 30, 1966, and $1,000,000,000 for the fiscal year ending June 30, 1967. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For forest highways, $33,000,000 for the fiscal year ending June 30, 1966, and $33,000,000 for the fiscal year ending June 30, 1967.

(3) For forest development roads and trails, $123,000,000 for the fiscal year ending June 30, 1966, of which not to exceed $38,000,000 shall be used solely for the construction, repair, and reconstruction of forest development roads and trails in the States of California, Oregon, Washington, Nevada, and Idaho, necessary because of the floods and high waters in such States during December 1964, and January and February 1965, and $85,000,000 for the fiscal year ending June 30, 1967. [7]

(4) For public lands development roads and trails $2,000,000 for the fiscal year ending June 30, 1966, and $2,000,000 for the fiscal year ending June 30, 1967.

(5) For park roads and trails $23,000,000 for the fiscal year ending June 30, 1966, and $23,000,000 for the fiscal year ending June 30, 1967.

(6) For parkways, $11,000,000 for the fiscal year ending June 30, 1966, and $11,000,000 for the fiscal year ending June 30, 1967.

(7) For Indian reservation roads and bridges, $18,000,000 for the fiscal year ending June 30, 1966, and $18,000,000 for the fiscal year ending June 30, 1967.

(8) For public lands highways, $7,000,000 for the fiscal year ending June 30, 1966, and $7,000,000 for the fiscal year ending June 30, 1967.

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FEDERAL-AID HIGHWAY ACT OF 1956, AMENDMENT

Public Law 89–139, 89th Cong., Aug. 28, 1965, 79 Stat. 578

JOINT RESOLUTION To amend the Federal-Aid Highway Act of 1956 to increase the amount authorized for the Interstate System for the fiscal year ending June 30, 1967, to authorize the apportionment of such amount, and for other purposes.

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SEC. 2. The Secretary of Transportation is authorized to make the apportionment for the fiscal year ending June 30, 1967, of the sum authorized to be appropriated for such year for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of House Document Numbered 42, Eighty-ninth Congress, but the Congress reserves the right to disapprove the cost estimate for completion of such National System submitted by the Secretary on January 11, 1965, and contained in such document. [8]

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[7] Amended by sec. 3(c) of Public Law 89–41, June 17, 1965 (79 Stat. 132).

SEC. 3. Repealed. [9]

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FEDERAL-AID HIGHWAY ACT OF 1966

Public Law 89–574, 89th Cong., Sept. 13, 1966, 80 Stat. 766

To authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 3. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1968, and 1969, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of House Document Numbered 42, Eighty-ninth Congress. [10]

* * * * * * *

AUTHORIZATIONS

SEC. 6. For the purpose of carrying out the provisions of title 23 of the United States Code, the following sums are hereby authorized to be appropriated.

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of highway trust fund, $1,000,000,000 for the fiscal year ending June 30, 1968, and $1,000,000,000 for the fiscal year ending June 30, 1969. Nothing in this paragraph shall be construed to authorize the appropriation of any sums to carry out section 131, 136, or 319(b) of this title, or any provision of law relating to highway safety enacted after May 1, 1966. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

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[8] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89–670. Oct. 15, 1966 (80 Stat. 931); and amended by sec. 2(a), Public Law 97–449, Jan. 12, 1983 (96 Stat. 2439).

[9] Repealed by sec. 160(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2135).

[10] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89–670, Oct. 15, 1966 (80 Stat. 931); and amended by sec. 2(a) of Public Law 97–449, Jan. 12, 1983 (96 Stat. 2439).

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For forest highways, $33,000,000 for the fiscal year ending June 30, 1968, and $33,000,000 for the fiscal year ending June 30, 1969.

(3) For public lands highways, $14,000,000 for the fiscal year ending June 30, 1968, and $16,000,000 for the fiscal year ending June 30, 1969.

(4) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1968, and $170,000,000 for the fiscal year ending June 30, 1969.

(5) For public lands development roads and trails, $3,000,000 for the fiscal year ending June 30, 1968, and $5,000,000 for the fiscal year ending June 30, 1969.

(6) For park roads and trails, $25,000,000 for the fiscal year ending June 30, 1968, and $30,000,000 for the fiscal year ending June 30, 1969.

(7) For parkways, $9,000,000 for the fiscal year ending June 30, 1968, and $11,000,000 for the fiscal year ending June 30, 1969.

(8) For Indian reservation roads and bridges, $19,000,000 for the fiscal year ending June 30, 1968, and $23,000,000 for the fiscal year ending June 30, 1969.

ALASKAN ASSISTANCE

SEC. 7.

* * * * * * *

(b) There is hereby authorized to be appropriated for construction of Federal-aid highways of the State of Alaska, out of the Highway Trust Fund and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, $20,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976.[11]

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STUDY OF ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 10. The Secretary of Transportation is authorized and directed to make a full and complete investigation and study of the advance acquisition of rights-of-way for future construction of highways on the Federal-aid highways systems with particular reference to the provision of adequate time for the removal and disposal of improvements located on rights-of-way and the relocation of affected individuals, businesses, institutions, and organizations, the tax status of such property after acquisition and before its use for highway purposes, and the methods for financing advance right-of-way acquisition by both the State governments and the Federal Government, including the possible creation of revolving funds for such purpose. The Secretary shall submit a report of the results of such study to Congress not later than July 1, 1967, together with his recommendation.[12]

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[11] Amended by sec. 138(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 130 of Public Law 93-87, Aug. 13, 1973 (87 Stat. 266); and sec. 2(a), of Public Law 97-449, Jan. 12, 1983 (96 Stat. 2439).

* * * * * * *

RELOCATION ASSISTANCE STUDY

SEC. 12. (a) The Secretary of Transportation is authorized and directed to make, in cooperation with the Secretary of the Department of Housing and Urban Development, the State highway departments, and other affected Federal and State agencies, a full and complete study and investigation for the purpose of determining what action can and should be taken to provide additional assistance for the relocation and reestablishment of persons, business concerns, and nonprofit organizations to be displaced by construction of projects on any of the Federal-aid highway systems, and to submit a report of the findings of such study and investigations, together with recommendations, to the Congress not later than July 1, 1967. The study and investigation shall include, but shall not be limited to—

(1) the need for additional payments or other financial assistance to such displaced persons, business concerns, and nonprofit organizations, and the extent to which the making of such payments and the providing of other financial assistance should be mandatory;

(2) the feasibility of constructing, within the right-of-way of a highway or upon real property adjacent thereto acquired for such purposes, publicly or privately owned, buildings, improvements, or other facilities to aid in the relocation of such displaced persons, business concerns, and nonprofit organizations;

(3) the extent to which the costs of acquiring such real property and constructing such buildings, improvements and other facilities should be paid from the highway trust fund; and

(4) sources of funds to pay the portion of the costs of acquiring such real property and constructing such buildings, improvements and other facilities, which is not properly chargeable to the highway trust fund.[13]

HIGHWAY STUDY—GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS

SEC. 13. (a) The Secretary of Transportation, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands is hereby authorized to make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands.

(b) On or before July 1, 1967, the Secretary of Transportation shall submit a report to the Congress which shall include—

(1) an analysis of the adequacy of present highway programs to provide satisfactory highways in both the rural and urban areas in Guam, American Samoa, and the Virgin Islands;

(2) specific recommendations as to a program for the construction of highways throughout Guam, American Samoa, and the Virgin Islands; and

(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

(c) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $200,000 for the purpose of making the studies, surveys, and report authorized by subsections (a) and (b) of this section. [14]

FEDERAL-AID HIGHWAY ACT OF 1968

Public Law 90–495, 90th Cong., Aug. 23, 1968, 82 Stat. 815

To authorize appropriations for the fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 3. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1970, and 1971, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in the revision of table 5 of the House Document Numbered 199, Ninetieth Congress, set forth in Senate Report 1340, Ninetieth Congress.

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[12] [13] [14] Functions transferred to the Secretary of Transportation by sec. 6(a) of Public Law 89–670, Oct. 15, 1966 (80 Stat. 931); and amended by sec. 2(a), Public Law 97–449, Jan. 12, 1983 (96 Stat. 2439).

AUTHORIZATION

SEC. 5. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1970, and $1,100,000,000 for the fiscal year ending June 30, 1971. Nothing in this paragraph shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b) or chapter 4 of title 23, United States Code. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1970, and $200,000,000 for the fiscal year ending June 30, 1971.

(3) For forest highways, $33,000,000 for the fiscal year ending June 30, 1970, and $33,000,000 for the fiscal year ending June 30, 1971.

(4) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1970, and $16,000,000 for the fiscal year ending June 30, 1971.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1970, and $170,000,000 for the fiscal year ending June 30, 1971.

(6) For the public lands development roads and trails, $3,500,000 for the fiscal year ending June 30, 1970, and $5,000,000 for the fiscal year ending June 30, 1971.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1971.

(8) For parkways, $11,000,000 for the fiscal year ending June 30, 1971.

(9) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the fiscal year ending June 30, 1971.

(10) Repealed.[15]

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[15] Repealed by sec. 202(f)(5) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

(11) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), the additional sum of $30,000,000 for the fiscal year ending June 30, 1970, and the additional sum of $37,500,000 for the fiscal year ending June 30, 1971.

(12) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1970, and $125,000,000 for the fiscal year ending June 30, 1971, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

HIGHWAY BEAUTIFICATION

SEC. 6.

* * * * * * *

(g) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for necessary administrative expenses in carrying out sections 131, 136, and 319(b) of title 23, United States Code, not to exceed $1,250,000 for the fiscal year ending June 30, 1969, and $1,250,000 for the fiscal year ending June 30, 1970.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 7.

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(c) There is authorized to be appropriated, out of the highway trust fund, to the right-of-way revolving fund established by subsection (c) of section 108 of title 23, United States Code, $100,000,000 for the fiscal year ending June 30, 1970, $100,000,000 for the fiscal year ending June 30, 1971, and $100,000,000 for the fiscal year ending June 30, 1972.

(d) On or before January 1 next preceding the commencement of each fiscal year for which funds are authorized to be appropriated to the right-of-way revolving fund by subsection (c) of this section, the Secretary shall apportion the funds so authorized for such fiscal year to the States. Each State shall be apportioned for such fiscal year an amount which bears the same percentage relationship to the total amount being apportioned under this subsection as the total of all apportionments made to such State for such fiscal year under paragraphs (1), (2), (3), and (5), of subsection (b) of section 104 of title 23, United States Code, bears to the total of all amounts apportioned under such paragraphs to all States for such fiscal year. Amounts apportioned under this subsection shall not be construed to be authorizations of appropriations for the construction, reconstruction, or improvement of the Interstate System for the purposes of subsection (g) of section 209 of the Highway Revenue Act of 1956.

(e) Funds apportioned to a State under this subsection (d) of this section shall remain available for obligation for advances to such State until October 1 of the fiscal year for which such apportionment is made. All amounts not advanced or obligated for advancement before such date shall revert to the right-of-way revolving fund and together with all other amounts credited and reimbursed to such fund shall be available for advances to the States to carry out subsection (c) of section 108 of title 23, United States Code, in an equitable manner, taking into consideration each State's need for, and ability to use, such advances, in accordance with such rules and regulations as the Secretary of Transportation shall establish.

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FRINGE PARKING FACILITIES

SEC. 11. Repealed. [16]

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FUNCTIONAL HIGHWAY CLASSIFICATION STUDY

SEC. 17. Repealed. [16a]

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FORT WASHINGTON PARKWAY

SEC. 19. (a) The Secretary of the Interior is authorized to acquire by (1) donation, (2) purchase with donated funds, (3) purchase with funds appropriated to him under subsection (c) of this section, (4) transfer from any other Federal department, agency, or instrumentality (including the government of the District of Columbia) or (5) exchange, lands and interests in lands in Prince Georges County, Maryland, within the boundary depicted on drawing NCR 117.4—186 which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Notwithstanding any other provision of law, any property of the United States within the boundary depicted on such drawing may, with the concurrence of the head of the department, agency, or instrumentality having jurisdiction thereof, be transferred without reimbursement to the Secretary of the Interior to carry out this section.

(b)(1) With respect to those lands which are identified on the map by the legend "Fee simple acquisition to be acquired", striped green, the

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[16] Repealed by sec. 134(c), Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713).

[16a] Repealed by sec. 160(b), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2135).

Secretary of the Interior is authorized to acquire the fee simple absolute title to such property.

(2) With respect to lands which are identified on the map by the legend "Private development areas", striped blue, the Secretary of the Interior is authorized to acquire only such easements and other interests in lands less than fee simple title as may be necessary to protect the natural scenery and shoreline of such property, and to prohibit the use of such property for industrial or commercial purposes or for residential purposes, other than low density single family detached dwellings, except that any such property which on the date of enactment of this section is lawfully used for any purposes thereafter prohibited by this paragraph may continue to be used for such purpose until such time as it ceases to be so used.

(c) No money shall be expended by the Secretary of the Interior under this section until he shall have received definite commitments from the State of Maryland or from political subdivisions thereof, for one-third the cost of acquiring land easements or interests in lands under subsection (b) of this section, other than lands belonging to the United States on the date of enactment of this section or donated to the United States to carry out this section. In the discretion of the Secretary he may advance the State of Maryland, or any political subdivision thereof, the full amount of the funds necessary for the acquisition of lands under subsection (b) of this section on the condition that the State or political subdivision reimburse the United States one-third the cost of such acquisition, without interest, within a period of not to exceed 8 years from the date such funds are so advanced.

(d) There is authorized to be appropriated to the Secretary of the Interior to carry out this section an amount equal to the unappropriated balance of the amount authorized to be appropriated in subsection (a) of the first section of the Act of May 29, 1930 (46 Stat. 482), as amended, for acquiring and developing the George Washington Memorial Parkway, and the authorization contained in such first section of such Act of May 29, 1930, is reduced by such amount.

(e) Upon the completion of the acquisition of all the real property and interests in real property authorized by this section, the Secretary of the Interior shall report to Congress his recommendations (including any necessary legislation) on the construction of the Fort Washington Parkway through the portion of Prince Georges County, Maryland, authorized to be acquired under this section. Such report shall include cost estimates and other information as may be necessary for the authorization of construction of such parkway by Congress.

GARDEN STATE PARKWAY

SEC. 20. (a) The amount of all Federal-aid highway funds paid on account of those sections of the Garden State Parkway in the State of

New Jersey referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amounts so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Funds)". At the time of such repayment the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such parkway and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Jersey. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) When the New Jersey Highway Authority shall have constructed toll-free highway facilities in the vicinity of said sections of the Garden State Parkway in accordance with a general plan approved by the Secretary of Transportation as adequate to service local traffic, and pursuant to an agreement between the Authority and the State of New Jersey, acting by and through its State House Commission concerning the financing and construction of such facilities, then upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of all projects on such sections of the Garden State Parkway, as provided in subsection (a) of this section, such sections shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections of the Garden State Parkway:

(1) That section of the parkway near Cape May Court House from interchange numbered 8 to interchange numbered 12 at route United States 9—a distance of approximately four and twenty one-hundredths centerline miles.

(2) That section of the parkway from a point near its connection with route United States 9 north to Toms River to Dover Road in South Toms River—a distance of approximately two and fifty one-hundredths centerline miles.

(3) That section of the parkway from route United States 9 in Woodbridge to the Middlesex-Union County line—a distance of approximately six and thirty-seven one-hundredths centerline miles.

(4) That section of the parkway from a point near its connection with the Middlesex-Union County line to a point near its connection with route United States 22 in Union Township—a distance of approximately seven and ninety-two one-hundredths centerline miles.

* * * * * * *

DISTRICT OF COLUMBIA *

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (Section B1 to B2).

(2) Potomac River Freeway, I–266 (Section B2 to B4).

(3) Center Leg of the Inner Loop, I–95 (Section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I–295 (Section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

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* See the Federal-Aid Highway Act of 1970, sec. 129, Public Law 91–605, Dec. 31, 1970 (84 Stat. 1713).

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8-115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property.

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EMERGENCY RELIEF

SEC. 27.

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(c) The amendments made by this section shall be applicable to repair or reconstruction with respect to which project agreements have been entered into on or after January 1, 1968.

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HIGHWAY STUDY—GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS

SEC. 29. (a) The Secretary of Transportation, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands, shall make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands.

(b) On or before April 1, 1969, the Secretary of Transportation shall submit a report to the Congress which shall include—

(1) an analysis of the adequacy of present highway programs to provide satisfactory highways in both the rural and urban areas in Guam, American Samoa, and the Virgin Islands;

(2) specific recommendations as to a program for the construction of highways throughout Guam, American Samoa, and the Virgin Islands; and

(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the inclusion of all or parts of such highways on the Federal-aid systems

and as to the sharing of cost responsibilities, and other pertinent matters.

(c) Costs of the studies required by this section shall be paid from funds made available to the Secretary under section 104(a) of title 23, United States Code.

* * * * * * *

SMALL BUSINESS ACT

SEC. 31. Paragraph (3) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended to read as follows:

> (3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concerned has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business; and.

EMINENT DOMAIN

SEC. 32. Repealed.[17]

ANNUAL REPORT

SEC. 33. Repealed.[18]

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SEPARABILITY

SEC. 36. If any provision of this Act (including the amendments made by this Act), or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected thereby.

[17, 18] Repealed by sec. 220 of Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894)—effective no later than July 1, 1972.

EFFECTIVE DATE

SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972. [19]

FEDERAL-AID HIGHWAY ACT OF 1970

Public Law 91-605, 91st Cong., Dec. 31, 1970 (84 Stat. 1713)

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

* * * * * * *

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

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[19] Amended by sec. 120 of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1717).

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HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $20,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $1,500,000 for fiscal year ending June 30, 1972, and $10,000,000 for fiscal year ending June 30, 1973.

(13) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1971, $1,500,000 for the fiscal year ending June 30, 1972, and $3,000,000 for the fiscal year ending June 30, 1973.

(14) Nothing in the first eleven paragraphs of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(b)(1) No State shall receive less than one-half of 1 per centum of the total apportionment for each of the fiscal years 1972 and 1973 under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act, as required by the first sentence of this paragraph.

(2) By January 1, 1972, the Secretary shall report to Congress on his recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System.

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TERRITORIAL HIGHWAY PROGRAM

SEC. 112.

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(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any sums in the Treasury not otherwise appropriated—

(1) not to exceed $2,000,000 per fiscal year for the Virgin Islands, for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(2) not to exceed $2,000,000 per fiscal year for Guam for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(3) not to exceed $500,000 per fiscal year for American Samoa for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(d) Sums authorized to be appropriated for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code

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DARIEN GAP HIGHWAY

SEC. 113.

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(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

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ADMINISTRATION

SEC. 114.

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(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

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BRIDGES ON FEDERAL DAMS

SEC. 116.

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(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

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ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realinement.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

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FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report of Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public

Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

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HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of eleven members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) three persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States.

(c) The Chairman shall be elected from among the members of the Commission by a majority vote of such members. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future; (4) study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public; (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

(i) The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States. [20]

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[20] Amended by Public Law 93-6, Feb. 16, 1973 (87 Stat. 6).

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.[21]

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

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[21] Amended by Public Law 93-6, Feb. 16, 1973 (87 Stat. 6).

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

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DISTRICT OF COLUMBIA *

SEC. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6).

(2) North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 and C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

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RICHMOND-PETERSBURG TURNPIKE

SEC. 131. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

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* See the Federal-Aid Highway Act of 1968, sec. 23 of Public Law 90–495, Aug. 23, 1968 (82 Stat. 815).

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ALASKAN ASSISTANCE

SEC. 138.

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(b) Any right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures reserved by section 321(d) of title 48, United States Code (61 Stat. 418, 1947), not utilized by the United States or by the State or territory of Alaska prior to the date of enactment hereof, shall be and hereby is vacated and relinquished by the United States to the end and intent that such reservation shall merge with the fee and be forever extinguished.

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STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO PUBLIC TRANSPORTATION SERVICES

SEC. 144. The Secretary is authorized and directed to undertake a study and analysis of the use of existing highway facilities for highway public transportation service, the need for additional highway facilities or the adjustment of existing facilities to accommodate such service, and the appropriate funding of such additional highway facilities and to report to the Congress his findings and recommendations not later than January 1, 1972.

SAINT CLAIR RIVER BRIDGE

SEC. 145. The amount of Federal Aid Highway funds paid to the State of Michigan for the construction of the bridge and approaches thereto over the Saint Clair River at Port Huron, Michigan, shall, prior to the collection of any tolls thereon be repaid to the Treasurer of the United States. The amount to be repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of Federal Aid Highway funds of the same class last apportioned to the State of Michigan. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

(2) Upon the repayment by the State of Michigan of the Federal-Aid Highway funds received for such bridge project, the bridge and its approaches shall be free of all restrictions with respect to the imposition and collection of tolls or other charges thereon or for the use thereof, contained in (A) title 23, United States Code, or in any regulation or agreement thereunder, and (B) subsection (d) of section 17 of the Act entitled "An Act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935, as amended (49 Stat. 1051), or in any regulation or agreement thereunder. Tolls or charges imposed and collected on such bridge or for the use thereof shall not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.

BALTIMORE-WASHINGTON PARKWAY

SEC. 146. (a) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, not to exceed $65,000,000 for reconstructing the section of the Baltimore-Washington Parkway in the State of Maryland under the jurisdiction of the Secretary of the Interior to the geometric and construction standards agreed upon by the Secretary of Transportation and the Secretary of Transportation of the State of Maryland, which preserve the Parkway characteristics. [21a]

(b) No funds authorized by this section shall be expended until the Secretary of Transportation, the Secretary of the Interior, and the State highway department of the State of Maryland shall enter into an agreement that—

(1) upon completion of reconstruction the Secretary of the Interior will convey without monetary consideration such section of such parkway to the State of Maryland, and

(2) the State of Maryland shall put such section of the Parkway on the Federal-aid primary system prior to expenditure of funds authorized by this section, and for such purpose the mileage limitation on such system in such State imposed by section 103(b) of title 23, United States Code, is hereby waived, and such State shall thereafter retain such section on such system.

SEC. 147. The amendments made by sections 117, 120 and 137 of this Act shall not take effect if before the effective date of this Act the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 has been enacted into law.

[21a] Amended by sec. 130 of Public Law 95-599, Nov. 6, 1978, (92 Stat. 2708).

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202.

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(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

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(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $70,000,000 for the fiscal year ending June 30, 1972, and $115,000,000 for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration for each of the fiscal years ending June 30, 1972, and June 30, 1973, $30,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the

Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed $10,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such sections 307(a) and 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

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FEDERAL-AID HIGHWAY ACT OF 1973

Public Law 93-87, 93rd Cong., Aug. 13, 1973, 87 Stat. 250

AN ACT To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1973".

* * * * * * *

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, of House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $680,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 30, 1975, and $700,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $390,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $400,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $780,000,000 for the fiscal year ending June 30, 1974, $800,000,000 for the fiscal year ending June 30, 1975, and $800,000,000 for the fiscal year ending June 30, 1976. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund $290,000,000 for the fiscal year ending June 30, 1974, $300,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976.

(3) For forest highways, out of the Highway Trust Fund $33,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 30, 1975, and $33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails, $140,000,000 for the fiscal year ending June 30, 1974, $140,000,000 for the fiscal year ending June 30, 1975, and $140,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

(8) For parkways, $60,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976, except that the entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, $83,000,000 for the fiscal year ending June 30, 1974, $84,000,000 for the fiscal year ending June 30, 1975, and $83,000,000 for the fiscal year ending June 30, 1976.[21b]

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

(11) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1974, $1,500,000 for the

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[21b] Amended by sec. 102(a), Public Law 93-643, Jan. 4, 1975 (88 Stat. 2281).

fiscal year ending June 30, 1975, and $1,500,000 for the fiscal year ending June 30, 1976.

(12) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, not to exceed $5,000,000 for the fiscal year ending June 30, 1975, and not to exceed $5,000,000 for the fiscal year ending June 30, 1976.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, not to exceed $2,000,000 for the fiscal year ending June 30, 1975, and not to exceed $2,000,000 for the fiscal year ending June 30, 1976.

(C) for American Samoa not to exceed $1,000,000 for the fiscal year ending June 30, 1974, not to exceed $1,000,000 for the fiscal year ending June 30, 1975, and not to exceed $1,000,000 for the fiscal year ending June 30, 1976.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(13) Nothing in the first ten paragraphs or in paragraph (12) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(b) For each of the fiscal years 1974, 1975, and 1976, no State shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. Whenever such amounts made available for the Interstate System in any State exceed the cost of completing that State's portion of the Interstate System, the excess amount shall be transferred to and added to the amounts apportioned to such State under paragraphs (1), (2), (3), and (6) of subsection (b) of section 104 of title 23, United States Code, in the ratio which these respective amounts bear to each other in that State. For the purpose of carrying out this subsection, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. It is the sense of the Congress that this subsection is an interim provision to be reconsidered at the expiration of this authorization.

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APPORTIONMENT

SEC. 111.

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(b) Notwithstanding the amendments made by subsection (a) of this section, no State (other than the District of Columbia) shall receive an apportionment for the primary system which is less than the apportionment which such State received for such system for the fiscal year ending June 30, 1973. In order to carry out this subsection, there is authorized to be appropriated out of the Highway Trust Fund for the Federal-aid primary system, an additional $17,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 per fiscal year for the fiscal years ending June 30, 1975, and June 30, 1976.

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BRIDGES ON FEDERAL DAMS

SEC. 128. (b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

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ROUTE 101 IN NEW HAMPSHIRE

SEC. 131. (a) The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States on or before October 1, 1977. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

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STUDY OF TOLL BRIDGE AUTHORITY

SEC. 133. (a) The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies, except that in the case of the toll bridge at Chester, Illinois, the Secretary shall submit a report to the Congress not later than December 31, 1973.

(b) The Secretary of Transportation shall promulgate regulations establishing guidelines governing any increase in tolls for use of any bridge constructed pursuant to either the General Bridge Act of 1906 or the General Bridge Act of 1946.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 134. (a) The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than July 1, 1974, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this subsection.

(b) The Secretary of Transportation shall make a full and complete investigation and study to examine problems of user access to parks, recreation areas (including public recreation areas on Federal lakes), historic sites and wildlife refuges. Such study and investigation shall include, but not be limited to, an analysis of the desirability and feasibility of a national scenic road and parkways system referred to in subsection (a) including benefits to the user if any and the total long range environmental impact of such system on the Nation's recreation resources; alternatives to private automobile access to parks and recreation resources, including mass transit; and special problems of safe access to urban and metropolitan parks and recreation resources. In the conduct of such investigations and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States and their political subdivisions, and interested private organizations, groups and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing any suggested programs.

DISTRICT OF COLUMBIA

SEC. 135. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 136. (a) The Secretary of Transportation shall permit no further action on Interstate Route I-287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

(c) The new corridor hearings required by this section shall be held and the reports thereon shall be made no later than one year after the date of enactment of this section.

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PUBLIC MASS TRANSPORTATION STUDIES

SEC. 138. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

The Secretary shall, not later than July 1, 1974, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(b) The Secretary shall conduct a study of revenue mechanisms, including a tax on fuels used in the provision of urban mass transportation service, and an additional gasoline tax imposed in urban areas, which could be used now or in the future to finance transportation activities receiving financial assistance from the Highway Trust Fund. Such study shall include an analysis of the magnitude of the various potential sources of user tax revenues, the rates at which such taxes could be levied (including possible differential rates), the mechanisms for collection of such taxes, the incidence of such taxes, and the potential impact on transit usage caused by such taxes. The Secretary shall report to the Congress the findings of his study by no later than the 180th day after the date of enactment of this section.

(c) There is hereby authorized not to exceed $10,000,000 to carry out this section.

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METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 140. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance 80 per centum of the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 141. (a) The Secretary of Transportation shall, not later than forty-five days after the date of enactment of this section, complete all necessary action on (1) the environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and (2) the application for approval under the General Bridge Act of 1946, with respect to the proposal for construction by the Department of Transportation of the State of New Jersey of a bridge over the Raritan River in such State for the purpose of such State's Highway Route 18.

(b) The Secretary of Transportation shall—

(1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act and his determination under section 4(f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn,

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1)(C) of this subsection; and

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five day notice period referred to in paragraph (1)(B) of this subsection and any other information received by the end of such forty-five-day period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

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HIGHWAY STUDIES

SEC. 143. (a) The Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes:

(1) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.

(3) A route from Amarillo, Texas, or its vicinity to Las Cruces, New Mexico, or its vicinity, so aligned as to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico together with a branch route from Alamogordo, New Mexico, or its vicinity, to El Paso, Texas, or its vicinity, to connect with Interstate Route No. 10 and the port of entry with Mexico.

(4) A route from the Port of Catoosa, Catoosa, Oklahoma, or its vicinity, to Interstate Route No. 35 to Ponca City, Oklahoma, or its vicnity.

(5) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or their vicinities.

(6) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity, so aligned to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas, or any other route through the State of Arkansas determined feasible by such State and the Secretary.

(7) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at La Crosse, Wisconsin.

(8) Extension of Interstate Highway 27 from Lubbock, Texas, or its vicinity in a southerly direction to intersect with Interstate 20 and, proceeding further, to intersect with Interstate 10.

(9) A route from Salina, Kansas, or its vicinity, in a northerly direction to intersect with Interstate 80 in the vicinity of York, Nebraska, and, proceeding further, to Interstate 29 in the vicinity of Watertown, South Dakota.

(10) A route from Wichita, Kansas, or its vicinity to Tucumcari, New Mexico, or its vicinity, so aligned to serve the following intermediate locations or vicinities thereof: Pratt, Kansas; Meade, Kansas; Liberal, Kansas; Guymon, Oklahoma; Stafford, Texas; Dalhart, Texas; and Logan, New Mexico; or any other route through the State of Kansas determined feasible by such State and the Secretary.[22]

(b) The Secretary of Transportation is authorized and directed to study the feasibility of developing a multimodal concept along the route described in paragraph (1) of subsection (a) of this section, which study shall include an analysis of the environmental impact of such multimodal concept. The Secretary shall report to Congress the results of such a study not later than July 1, 1977.[23]

(c) Based upon the report submitted to Congress under subsection (b) of this section, the Secretary of Transportation is authorized to provide for the preparation of preliminary engineering and design plans and the construction of models in connection with the development of the multimodal concept along the route described in paragraph (1) of subsection (a) of this section. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $9,000,000 to carry out this subsection.[23a]

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HIGH-SPEED TRANSPORTATION DEMONSTRATION

SEC. 146. The Secretary is authorized to undertake a study and demonstration program for high-speed bus service from collection points in the Washington, District of Columbia area to Dulles International Airport, Virginia. Such study and demonstration shall utilize exclusive bus transportation lanes between points or origin and termination of such service, and include, where necessary, the construction of such exclusive bus transportation lanes as well as terminal and parking facilities. Such study and demonstration shall also include the purchase of high-speed buses. As necessary to implement this section, the Secretary shall undertake research into the development of buses designed to maintain high-speed, safe transportation. Not to exceed $10,000,000 of the amount authorized to be apportioned under section 104(b)(6) of title 23, United States Code, for the fiscal year ending June 30, 1975, shall be available to the Secretary to carry out this section and such sum shall be set aside for such purpose prior to the apportionment of such amount for such fiscal year.

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[22] Relettered as (a) by sec. 143 of Public Law 94-280. May 5, 1976 (90 Stat. 445).
[23] Added by sec. 143 of Public Law 94-280, May 5, 1976 (90 Stat. 445).
[23a] Added by sec. 131 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2708).

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 147. (a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, and $60,000,000 for the fiscal year ending June 30, 1976, of which $50,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas and small urban areas. Such sum shall remain available for a period of two years after the close of the fiscal year for which such sums are authorized. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, the purchase of passenger equipment other than rolling stock for fixed rail, and the payment from the General Fund for operating expenses incurred as a result of providing such service. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project. A demonstration project shall be carried out under this section in and in the vicinity of the Sherman, Texas-Denison, Texas area. [23b]

(b) Prior to the obligation of any funds for a demonstration project under this section, the Secretary shall provide for public notice of any application for funds under this section which notice shall include the name of the applicant and the area to be served. Within sixty days thereafter, a public hearing on the project shall be held within the proposed service area. [24]

FEDERAL-AID SYSTEMS REALIGNMENT

SEC. 148.

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(d) Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.

[23b] Amended by sec. 132 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2798).

[24] Amended by sec. 103 of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2281) and sec. 129 of Public Law 94-280, May 5, 1976 (90 Stat. 440).

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TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 149. (a) Whenever the State of Louisiana has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, or on or after July 1, 1977, whichever first occurs, the Secretary shall, notwithstanding the provisions of subsection (b) of section 129 of title 23 of the United States Code, reimburse the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways in that State, construction of which highways or improvement is begun after July 1, 1973, but not including the cost of toll collection and service facilities, on the same basis and in the same manner as in the construction of free highways under chapter 1 of title 23 of the United States Code upon compliance with the conditions contained in this section.

(b) The Secretary shall reimburse the Federal share of the costs of construction as applicable to a project under section 120(a) of title 23 of the United States Code from funds apportioned to such State pursuant to paragraph (1) of subsection (b) of section 104 of title 23 of the United States Code whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

(1) to provide for the construction of such highway in accordance with standards approved by the Secretary;

(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual cost of a project; and

(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway.

Upon the enactment of this section the Secretary shall, at the request of the State of Louisiana, enter into an agreement with that State if such agreement meets the requirements of this subsection. Reimbursement shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System or July 1, 1977, whichever first occurs.

(c) Such highway shall be designated as a part of the Federal-aid primary system, other than the Interstate System, before the payment of any Federal funds under this section, notwithstanding the mileage limitations in subsection (b) of section 103 of title 23 of the United States Code.

(d) The Federal share payable of such actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of title 23 of the United States Code, with the first installment being made either (1) one year after the project agreement has been entered into between the Secretary and the State highway department or (2) either one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, or July 1, 1977, whichever first occurs, whichever of such clause (1) or (2) is last to occur. Such payment shall be applied against the outstanding obligations of the project.

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TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 154. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State Governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

HIGHWAY LITTER STUDY

SEC. 155. (a) The Secretary is directed to undertake a study of litter accumulation within the rights-of-way of the Federal-aid highway systems and recommend improved procedures to be used by the several States to prevent and clean up such highway litter on a regular basis. The Secretary shall report his findings and recommendations to the Congress by June 30, 1974.

(b) For the purposes of this section, the term "litter" means beverage and food containers, food wastes, paper products, smoking materials or packaging, and any other materials which the Secretary finds are commonly used and discarded by the traveling public and which, when discarded along highway rights-of-way, cause an unsightly appearance, a danger to public health or safety, or an unreasonable expenditure of public funds.

(c) Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this section.

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FRANCONIA NOTCH, NEW HAMPSHIRE

SEC. 158. Notwithstanding section 109(b) of title 23 of the United States Code, the Secretary of Transportation is authorized, upon application of the Governor of the State, to approve construction of that section of Interstate Route 93 from B20.6 an interchange with State route 3A in North Woodstock, New Hampshire, to B22.1 an interchange with U.S. Route 3 in Franconia, New Hampshire, approximately twelve miles in length, as a parkway type highway to geometric and construction standards (whether or not in accordance with section 109(b)) which the Secretary determines are necessary for the safety of the traveling public, for the protection of the environment, and for the preservation of the park-like and historic character of the Franconia Notch area adjacent to the highway. The State of New Hampshire, with the concurrence of the Secretary, is authorized to permit the use of the above section of highway to specified types of vehicles during specified times of the day and of the year. Upon approval by the Secretary of such Franconia Notch parkway, there is authorized to be appropriated to the State of New Hampshire, out of the Highway Trust Fund, an amount equal to 90 per centum of the difference between the cost of such parkway as established in the 1979 Interstate System cost estimate and the cost of constructing a four-lane Interstate System highway at that location as such cost would be established in such 1979 cost estimate if such Interstate System highway were to be constructed. The funds authorized by the preceding sentence shall be available only for expenditure on highways on any of the Federal-aid highway systems, other than the Interstate System, which serve as alternative routes around Franconia Notch. Such funds shall be available in the same manner and to the same extent as any of the funds authorized by section 104(b)(1) of the Federal-Aid Highway Act of 1978, shall be available until expended, and shall be subject to all other applicable provisions of chapter 1 of title 23, United States Code. [24a]

DWIGHT D. EISENHOWER HIGHWAY

SEC. 159. (a) The following segments of the National System of Interstate and Defense Highways which form a continuous interstate highway link from coast to coast are hereby designated as the "Dwight D. Eisenhower Highway":

(1) Interstate Route 70 between Washington, District of Columbia, and Denver, Colorado;

(2) Interstate Route 25 between Denver, Colorado, and Cheyenne, Wyoming; and

(3) Interstate Route 80 between Cheyenne, Wyoming, and San Francisco, California.

(b) Any law, regulation, map, document, record, or other paper of the United States in which such segments are designated or referred to shall be held to designate or refer to such segments as the "Dwight D. Eisenhower Highway".

[24a] Amended by sec. 133 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709).

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 160. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to permit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

HIGHWAY SCENIC HIGHWAY

SEC. 161. (a) The Secretary of Agriculture (acting through the Forest Service) is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob. Notwithstanding subsection (c) of section 103 of title 23, United States Code, such parkways shall be a route on the Federal-aid secondary system.

(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and the parkway authorized by subsection (a) of this section shall be designated as the Highland Scenic Highway.

(c) The Secretary of Agriculture is authorized to acquire rights-of-way, land containing such rights-of-way, and interests in land, including scenic easements and mineral rights, necessary to carry out the purpose of a scenic highway. In addition to the acquisition of such lands and interests in lands, funds available for parkways shall be available for the reclamation of lands within the scenic corridor of the Highland Scenic Highway.

(d) Funds available for parkways shall be available for signs on Interstate highways, Appalachian highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as "Gateway to the Highland and Scenic Highway".

(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State Route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest for scenic and recreational purposes. Vehicle use shall be confined to passenger cars, recreational vehicles, and limited truck traffic to the extent such use is compatible with the purpose for which the highway was constructed. Commercial use by trucks shall be limited and controlled by permit.[24b]

(g) The Highland Scenic Highway as authorized by subsection (a) of this section shall be designed and constructed in accordance with standards appropriate for a scenic highway, providing for moderate speeds and minimizing modification to topographic contours and natural drainage.

(h) Construction of the portion of the Highland Scenic Highway as authorized by subsection (a) of this section which is proposed to be constructed through the upper Shavers Fork watershed shall not be initiated until—

(1) the Forest Service has acquired sufficient lands and interests in land (including mineral rights) in such watershed to assure an adequate scenic corridor for the Highland Scenic Highway and the control of water quality in Shavers Fork; and

(2) the completion of a geological and soil survey of any proposed route, conducted in cooperation with the Division of Water Resources of the West Virginia Department of Natural Resources.

(i) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia.

(j) Any connection of the Highland Scenic Highway as authorized by subsection (a) of this section with Corridor H of the Appalachian Development Highway System or any more northerly segment of the Highland Scenic Highway shall utilize existing routes and not involve construction through the Monongahela National Forest between U.S. 250 and Cunningham Knob.

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DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSINGS

SEC. 163. (a)(1) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, Wheeling, West Virginia, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Wheeling, West Virginia, and Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.[25]

[24b] Amended by sec. 21 of Public Law 96-106, Nov. 9, 1979 (93 Stat. 796); and sec. 154, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2134).

(2) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lafayette, Indiana, for relocation of railroad lines from the central area of the city. There are authorized to be appropriated to carry out this paragraph $360,000 for the fiscal year ending June 30, 1975.[26]

(b) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(c) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in East Saint Louis, Illinois, for the relocation of rail lines between Thirteenth and Forty-third Streets, in accordance with methodology approved by the Secretary. The Secretary of Transportation shall carry out a demonstration project for the relocation of rail lines in the vicinity of Carbondale, Illinois.

(e) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in New Albany, Indiana, for the elimination of the existing rail loop and relocation of rail lines to a location between Vincennes Street and East Eighth Street, in accordance with methodology approved by the Secretary.

(f) The Secretary of Transportation shall carry out demonstration projects for the construction of an overpass at the rail-highway grade crossing on Cottage Grove Avenue between One Hundred Forty-second Street and One Hundred Thirty-eighth Street in the village of Dolton, Illinois, and the construction of an overpass at the rail-highway grade crossing at Vermont Street and the Rock Island Railroad tracks in the city of Blue Island, Illinois.

(g) The Secretary of Transportation shall carry out a demonstration project for the elimination of the ground level railroad highway crossing on United States Route 69 in Greenville, Texas.

(h) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

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[25] Relettered as (a)(1) by sec. 104 of Public Law 93-643 Jan. 4, 1975 (88 Stat. 2282).

[26] Added by sec. 104 of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2282) and amended by sec. 140 of Public Law 94-280, May 5, 1976 (90 Stat. 444).

(i) The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines whichever he deems most feasible in order to eliminate certain grade level railroad highway crossings.

(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Augusta, Georgia, for the relocation of railroad lines and for the purpose of eliminating highway railroad grade crossings.

(k) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Pine Bluff, Arkansas, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings.

(l) The Secretary of Transportation shall carry out a demonstration project in Sherman, Texas, for the relocation of rail lines in order to eliminate the ground level railroad crossing at the crossing of the Southern Pacific and Frisco Railroads with Grand Avenue-Roberts Road.[27]

(m) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purposes of eliminating highway railroad grade crossings.[27a]

(n) The Federal share payable on account of such projects shall be 95 per centum of the cost.[28]

(o) The Secretary shall make biennial reports and a final report to the President and the Congress with respect to his activities pursuant to this section.[29]

(p) There is authorized to be appropriated to carry out this section (other than subsection (1)) not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976, $6,250,000, for the period beginning July 1, 1976, and ending September 30, 1976, $26,400,000 for the fiscal year ending September 30, 1977, $51,400,000 for the fiscal year ending September 30, 1978, $70,000,000 for the fiscal year ending September 30, 1979, and $90,000,000 for the fiscal year ending September 30, 1980, $100,000,000 for the fiscal year ending September 30, 1981, and $100,000,000 for the fiscal year ending

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[27] Subsections 163(i), (j), (k) and (l) added by sec. 140(a) of Public Law 94-280, May 5, 1976 (90 Stat. 444).

[27a] Added by sec. 134(a)(1) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709).

[28] Existing subsec. 163(m) is relettered as 163(n) by sec. 134(a)(2) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709); and amended by sec. 134(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709).

[29] Existing subsection 163(j) is relettered as 163(n) by sec. 140(b) of Public Law 94-280, May 5, 1976 (90 Stat. 444); and relettered as 163(o) by sec. 134(a)(2) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709); and amended by sec. 209(b), Public Law 96-470, Oct. 19, 1980 (94 Stat. 2245).

September 30, 1982, and $50,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 for the fiscal year ending September 30, 1984, and $50,000,000 for the fiscal year ending September 30, 1985, and $50,000,000 for the fiscal year ending September 30, 1986, except that not more than two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust fund. Notwithstanding any other provision of this section, any project which is not under construction, according to the Secretary of Transportation, by September 30, 1985, shall not be eligible for additional funds under this authorization. [30]

(q) The Secretary, in cooperation with State highway departments and local officials, shall conduct a full and complete investigation and study of the problem of providing increased highway safety by the relocation of railroad lines from the central area of cities on a nationwide basis, and report to the Congress his recommendations resulting from such investigation and study not later than July 1, 1975, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this subsection. [31]

FINANCIAL ASSISTANCE AGREEMENTS

SEC. 164. (a) No Federal financial assistance shall be provided under (1) subsection (a) or (c) of section 142, title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964, for the purchase of buses to any applicant for such assistance unless such applicant and the Secretary of Transportation shall have first entered into an agreement that such applicant will not engage in charter bus operations in competition with private bus operators outside of the area within which such applicant provides regularly scheduled mass transportation service. A violation of such agreement shall bar such applicant from receiving any other Federal financial assistance under those provisions of law referred to in clauses (1), (2), and (3) of this subsection.

(b) No Federal financial assistance shall be provided under (1) subsection (a) or (c) of section 142, title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964, for the purchase of buses to any applicant for such assistance unless such applicant and the Secretary of Transportation shall have first entered into an agreement that such applicant will not engage in schoolbus operations, exclusively for the transportation of students and school personnel, in competition with private school bus operators. This subsection shall not apply to an applicant with respect to operation of a school bus program if the applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for this school system. This subsection shall not apply unless private school bus operators are able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and this subsection shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting school children and personnel along with facilities to be used therefor) was so engaged in school bus operations any time during the twelve-month period immediately prior to the date of the enactment of this subsection. A violation of an agreement under this subsection shall bar such applicant from receiving any other Federal financial assistance under those provisions of law referred to in clauses (1), (2), and (3) of this subsection.

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[30] Existing subsection 163(k) is relettered as 163(o) by sec. 140(b) of Public Law 94-280, May 5, 1976 (90 Stat. 444) and amended by sec. 140(d) of Public Law 94-280, May 5, 1976 (90 Stat. 444); and relettered as 163(p) by sec. 134(a)(2) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709); and amended by sec. 151, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2132).

[31] Existing subsection 163(l) is relettered as 163(p) by sec. 140(b) of Public Law 94-280, May 5, 1976 (90 Stat. 444) and relettered as 163(q) by sec. 134(a)(2) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709).

BUS AND OTHER PROJECT STANDARDS

SEC. 165. (a) The Secretary of Transportation shall require that buses acquired with Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-aid Highway Act of 1973 meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, and under section 6 of the Noise Control Act of 1972, and shall authorize the acquisition, wherever practicable, of buses which meet the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, and for low-noise-emission products set forth in section 15 of the Noise Control Act of 1972.

(b) The Secretary of Transportation shall require that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-aid Highway Act of 1973 shall be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-bound and those with semiambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. The Secretary shall not approve any program or project to which this section applies which does not comply with the provisions of this subsection requiring access to public mass transportation facilities, equipment, and services for elderly or handicapped persons.[32]

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1973".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, $125,000,000 for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $42,500,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not to exceed $10,000,000 per fiscal year.

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RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

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[32] Amended by sec. 105(b) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2283).

(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated, out of the Highway Trust Fund, for projects for the elimination of hazards of railway-highway crossings on any public road, $25,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, $75,000,000 for the fiscal year ending June 30, 1976, $125,000,000 for the fiscal year ending September 30, 1977, $125,000,000 for the fiscal year ending September 30, 1978, $190,000,000 for the fiscal year ending September 30, 1979, and $190,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated by this subsection shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of title 23, United States Code.[32a]

(c) Repealed.[32b]

(d) 25 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section 104(b)(2) of title 23, United States Code, 25 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under section 104(b)(6) of title 23, United States Code, and 50 percent of the funds made available in accordance with subsection (b) shall be apportioned to the States in the ratio that total rail-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project shall be 90 percent of the cost thereof.[32c]

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than December 30 of each year thereafter, on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than April 1, of each year thereafter, on the progress being made by the State in implementing projects to improve railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a), and include recommendation for future implementation of the railroad-highway crossings program. [328]

[32a] Amended by sec. 203(a) of Pub. L. 94-280, May 5, 1976 (90 Stat. 452); and sec 203(a) of Pub. L. 95-599, Nov. 6, 1978 (92 Stat. 2728); sec. 5(a)(2). Public Law 97-327, Oct. 15, 1982 (96 Stat. 1612); sec. 205, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2139).

[32b] Amended by sec. 203(a) of Pub. L. 94-280, May 5, 1976 (90 Stat. 452); and repealed by sec. 203(c) of Pub. L. 95-599, Nov. 6, 1978 (92 Stat. 2728).

[32c] Amended by sec. 203(b) of Pub. L. 94-280, May 5, 1976 (90 Stat. 452); and by sec. 203(c) of Pub. L. 95-599, Nov. 6, 1978 (92 Stat. 2729).

(f) Funds authorized by this section may be used to provide local government with funds to be used on a matching basis when State funds are available which may only be spent when local government produces matching funds for the improvement of railroad crossings.

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PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs to improve the effectiveness and durability of various types of pavement markings and related delineators, to develop improved equipment and techniques for applying, erecting, and maintaining such markings and delineators, and to develop new traffic control materials, devices, and related delineators to assist the traveling public during adverse weather and nighttime driving conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

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HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media for informing and educating the public of ways and means for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

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[328] Amended by sec. 209(d), Public Law 96–470, Oct. 19, 1980 (94 Stat. 2245).

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation, in consultation with State and local highway safety officials, shall develop a series of highway safety television programs of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934. At least 50 per centum of the funds authorized and expended under subsection (d) of this section shall be allocated to the States at the discretion of the Secretary for approved programing projects. To the maximum extent feasible, the services of private individuals shall be utilized in carrying out this subsection.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 212. (a) The Secretary of Transportation, in cooperation with State and local highway safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on traffic enforcement and accident detection, response, and reporting, including, but not limited to the creation of citizen adjuncts to assist professional traffic enforcement agencies and highway rescue agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purposes of carrying out this section, there is authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 213. (a) The Secretary of Transportation shall make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include, but not be limited to, an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein, the methods to be used for its evaluation and the criteria needed to assure its proper utilization by appropriate public and private agencies and groups. The Secretary shall

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report to the Congress his findings and recommendations not later than January 1, 1975.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

PEDESTRIAN AND BICYCLE SAFETY STUDY

SEC. 214. (a) The Secretary of Transportation shall make a full and complete investigation and study of pedestrian and bicycle safety. Such an investigation and study shall include, but not be limited to, the following:

(1) A review and evaluation of State and local ordinances, regulations, and laws and the enforcement policies, procedures, methods, practices, and capabilities for enforcing them.

(2) The relationship between alcohol and pedestrian and bicycle safety, with special emphasis on problem drinkers, both drivers and pedestrians.

(3) An evaluation of ways and means of improving pedestrian and bicycle safety programs.

(4) An analysis of present funding allocations for pedestrian and bicycle safety programs and an assessment of the capabilities of Federal, State, and local governments to fund such activities and programs.

In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States, and their political subdivisions, and other interested private organizations, groups, and individuals.

(b) The Secretary shall, not later than January 31, 1975, report to the Congress the results of this investigation and study together with his conclusions and recommendations for appropriate legislation.

(c) There is hereby authorized not to exceed $5,000,000 from the Highway Trust Fund to carry out this section.

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HIGHWAY SAFETY NEEDS STUDY

SEC. 225. In order to provide the basis for evaluating the continuing highway safety programs authorized in title 23, United States Code, and to furnish Congress with the information necessary for the authorization of appropriations for such programs, the Secretary of Transportation, in cooperation with the Governors and appropriate State and local highway officials shall make a full and complete study of highway safety needs and shall prepare recommendations and estimates of the costs for meeting such needs. Such estimates and recommendations shall identify the requirements to meet highway safety needs of the States, Puerto Rico, and the District of Columbia and would also consider those of Guam, American Samoa, the Virgin Islands and such other United States territories as the Secretary shall determine. The Secretary shall submit such detailed estimates and recommendations to the Congress not later than January 10, 1976.

FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

Public Law 93-643, 94th Cong., Jan. 4, 1975

AN ACT To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Amendments of 1974."

HIGHWAY AUTHORIZATIONS

SEC. 101. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, an additional $100,000,000 for the fiscal year 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, an additional $50,000,000 for the fiscal year 1976. Sums authorized by this paragraph are in addition to the authorizations for fiscal year 1976 for these systems in section 104(a)(1) of the Federal-Aid Highway Act of 1973.

(2) For control of outdoor advertising under section 131 of title 23, United States Code, $50,000,000 for the fiscal year 1975.

(3) For control of junkyards under section 136 of title 23, United States Code, $15,000,000 for the fiscal year 1975.

(4) For landscaping the scenic enhancement under section 319(b) of title 23, United States Code, $10,000,000 for the fiscal year 1975.

(5) Nothing in paragraph (1) or (6) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(6) For off-system roads under section 219, title 23, United States Code, $200,000,000 for the fiscal year 1976.

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TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 105. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning design, construction, and operation of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance for mass transportation (including the programs under title 23, United States Code, the Federal-Aid Highway Act of 1973, and this Act) effectively implement this policy.

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AUBURN BRIDGE

SEC. 116. (a) In order to provide access between the historical portion of the city of Auburn, California, Auburn District Fairgrounds, city park and parking lots, and the Auburn Dam Overlook area, for motor vehicles and for passage of pedestrians, equestrians, and cyclists under a highway relocation the Secretary of the Interior is authorized to construct, in lieu of a drainage culvert, an intermediate size bridge across a shallow ravine. The bridge, at approximate stations 154+46 to 155+30 (84 feet), shall be part of the State Highway Number 49 relocation through the city of Auburn, California.

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OVERSEAS HIGHWAY

SEC. 118. (a) The Secretary is authorized to undertake projects for the reconstruction or replacement of bridge structures of a two-lane nature on the Overseas Highway, to Key West, Florida. The Federal share payable on account of such projects shall not exceed 70 per centum of the costs of such reconstruction or replacement.

(b) There are authorized to be appropriated, out of the Highway Trust Fund, not to exceed $109,200,000, to carry out such projects. Such sums shall be available until expended except that of the funds authorized under this section only $10,000,000 for the fiscal year ending June 30, 1975, $15,000,000 for the fiscal year ending June 30, 1976, $8,750,000 for the three-month period ending September 30, 1976, $35,000,000 for the fiscal year ending September 30, 1977, and $35,000,000 for the fiscal year ending September 30, 1978, can be obligated. [33]

BIKEWAY DEMONSTRATION PROGRAM

SEC. 119. (a) For the purpose of this section the term—

(1) "bikeway" means a bicycle lane or path, or support facility, a bicycle traffic control device, a shelter, or a parking facility to serve bicycles and persons using bicycles;

(2) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

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[33] Amended by Sec. 138, Public Law 94-280, May 5, 1976 (90 Stat. 443); sec. 135, Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709).

(b)(1) The Secretary is authorized to make grants to States for demonstration projects for the construction of bikeways. Such bikeways shall be for commuting and for recreational purposes and shall be located in urbanized areas and such other urban areas as are designated by the State highway department under subsection 103(d) of title 23, United States Code.

(2) The Federal share of any demonstration project for the construction of a bikeway shall be 80 per centum of the total cost of such project. The remaining 20 per centum of such cost shall be paid by the grantee.

(3) No grant shall be made under authority of this Act unless such bikeway project is in accordance with continuing comprehensive transportation planning process carried on cooperatively by States and local communities in accordance with section 134 of title 23, United States Code.

(4) The Secretary shall establish, by regulation, construction standards for bikeway projects for which grants are authorized by this Act, and shall establish, by regulation, such other requirements as may be necessary to carry out this Act.

(c) Grants made under this Act shall be in addition to, and not in lieu of, any sums available for bicycle projects under section 217 of title 23, United States Code.

(d) There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for the fiscal year 1976.

EXTENSION OF CARPOOLS

SEC. 120.

* * * * * * *

(b) The Secretary of Transportation is authorized to make grants for demonstration projects designed to encourage the use of carpools in urban areas. Such a project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient carpool opportunities, designating existing highway lanes as preferential carpool highway lanes or shared bus and carpool lanes, providing related traffic control devices, and designating existing publicly owned facilities for use as preferential parking for carpools. There is authorized to be appropriated not to exceed $7,500,000 to carry out this subsection. [33a]

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BRIDGES ON FEDERAL DAMS

SEC. 123.

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[33a] Repealed by sec. 126(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2706).

(b) All sums appropriated under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be available for expenditure in the same manner and for the same purpose as provided for in subsection (b) of section 116 of the Federal-Aid Highway Act of 1970 (Public Law 91-605).

DEMONSTRATION PROJECTS

SEC. 124. The Secretary of Transportation shall carry out a demonstration project for construction of a high-density urban highway intermodal transportation connection between Franklin Avenue and Fifty-ninth Street, South, in Minneapolis, Minnesota. The Federal share of such project shall be 90 per centum of the cost thereof. Such highway shall be placed on a Federal-aid system before any funds are expended under this section. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $53,000,000 to carry out this section, except that not to exceed $10,000,000 for the fiscal year 1975, and $15,000,000 for the fiscal year 1976, shall be expended to carry out this section.

FEDERAL-AID HIGHWAY ACT OF 1976

Public Law 94-280, 94th Cong., H.R. 8235, May 5, 1976

AN ACT To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1976".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102.

* * * * * * *

(b)(1) At least 30 per centum of the apportionment made to each State for each of the fiscal years ending September 30, 1978, and September 30, 1979, of the sums authorized in subsection (a) of this section shall be expended by such State for projects for the construction of intercity portions (including beltways) which will close essential gaps in the Interstate System and provide a continuous System.

(2) The Secretary of Transportation shall report to Congress before October 1, 1976, on those intercity portions of the Interstate System the

construction of which would be needed to close essential gaps in the System.

(3) A State which does not have sufficient projects to meet the 30 per centum requirement of paragraph (1) of this subsection may, upon approval of the Secretary of Transportation, be exempt from the requirements of such paragraph to the extent of such inability.

(c) No part of the funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for the Interstate System, shall be obligated for any project for resurfacing, restoring, or rehabilitating any portion of the Interstate System.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1978, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 94–38 of the Committee on Public Works and Transportation of the House of Representatives.

TRANSITION QUARTER AUTHORIZATION

SEC. 104. (a) There is hereby authorized to be appropriated, out of the Highway Trust Fund, $1,637,390,000 for the transition quarter ending September 30, 1976, for those projects authorized by title 23 of the United States Code, the approval of which creates a contractual obligation of the United States for payment out of the Highway Trust Fund of the Federal share of such projects except those authorized by section 142 of such title, and those on the Interstate System (other than as permitted in subsection (b)). Such sums shall be apportioned or allocated on the date of enactment of this Act among the States, as follows:

(1) 60 per centum according to the formula established under section 104(b)(1) of title 23, United States Code, as such sections is in effect on the day preceding the date of enactment of this Act.

(2) 40 per centum in the ratio which the population of each State bears to the total population of all the States shown by the latest available Federal census.

(b) Any State which received less than one-half of 1 per centum of the apportionment made under section 104(b)(5) of title 23, United States Code, for the Interstate System for fiscal year 1977 may expend all or any part of its apportionment under this section for projects on the Interstate System in such State.

(c) There is hereby authorized to be appropriated out of the Highway Trust Fund, for the transition quarter ending September 30, 1976,

$8,250,000 for forest highways, and $4,000,000 for public lands highways. Such sums shall be apportioned or allocated on the date of enactment of this Act in accordance with section 202 of title 23, United States Code.

(d) There is authorized to be appropriated, out of the Highway Trust Fund, for the transition quarter ending September 30, 1976, $120,000 to the Virgin Islands, $120,000 to Guam, and $120,000 to American Samoa, for projects and programs under section 152, 153, and 402 of title 23, United States Code. Such sums shall be apportioned on the date of enactment of this Act in accordance with section 402(c) of title 23, United States Code.

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,350,000,000 for the fiscal year ending September 30, 1977, and $1,350,000,000 for the fiscal year ending September 30, 1978. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending September 30, 1977, and $400,000,000 for the fiscal year ending September 30, 1978.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending September 30, 1977, and $800,000,000 for the fiscal year ending September 30, 1978.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1977, and $33,000,000 for the fiscal year ending September 30, 1978.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1977, and $16,000,000 for the fiscal year ending September 30, 1978.

(5) For forest development roads and trails, $35,000,000 for the three-month period ending September 30, 1976, $140,000,000 for the fiscal year ending September 30, 1977, and $140,000,000 for the fiscal year ending September 30, 1978.

(6) For public lands development roads and trails, $2,500,000 for the three-month period ending September 30, 1976, $10,000,000 for the fiscal year ending September 30, 1977, and $10,000,000 for the fiscal year ending September 30, 1978.

(7) For park roads and trails, $7,500,000 for the three-month period ending September 30, 1976, $30,000,000 for the fiscal year ending September 30, 1977, and $30,000,000 for the fiscal year ending September 30, 1978.

(8) For parkways, $11,250,000 for the three-month period ending September 30, 1976, $45,000,000 for the fiscal year ending September 30, 1977, and $45,000,000 for the fiscal year ending September 30, 1978, except that the entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, $20,750,000 for the three-month period ending September 30, 1976, $83,000,000 for the fiscal year ending September 30, 1977, and $83,000,000 for the fiscal year ending September 30, 1978.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1977, and $50,000,000 for the fiscal year ending September 30, 1978.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, $375,000 for the three-month period ending September 30, 1976, $1,500,000 for the fiscal year ending September 30, 1977, and $1,500,000 for the fiscal year ending September 30, 1978.

(12) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $1,250,000 for the three-month period ending September 30, 1976, not to exceed $5,000,000 for the fiscal year ending September 30, 1977, and not to exceed $5,000,000 for the fiscal year ending September 30, 1978.

(B) for Guam, not to exceed $1,250,000 for the three-month period ending September 30, 1976, not to exceed $5,000,000 for the fiscal year ending September 30, 1977, and not to exceed $5,000,000 for the fiscal year ending September 30, 1978.

(C) for American Samoa, not to exceed $250,000 for the three-month period ending September 30, 1976, not to exceed $1,000,000 for the fiscal year ending September 30, 1977, and not to exceed $1,000,000 for the fiscal year ending September 30, 1978.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(13) For authorized landscaping, including, but not limited to, the planting of flowers and shrubs indigenous to the area, and for litter removal an additional $25,000,000 for the fiscal year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978.

(14) For the Great River Road, $2,500,000 for the three-month period ending September 30, 1976, $10,000,000 for the fiscal year ending September 30, 1977, and $10,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, $6,250,000 for the three-month period ending September 30, 1976,

$25,000,000 for the fiscal year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978, for construction or reconstruction of roads on a Federal-aid highway system.

(15) For control of outdoor advertising under section 131 of title 23, United States Code, $25,000,000 for the fiscal year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978.

(16) For control of junkyards under section 136 of title 23, United States Code, $15,000,000 for the fiscal year ending September 30, 1977, and $15,000,000 for the fiscal year ending September 30, 1978.

(17) For safer off-system roads under section 219 of title 23, United States Code, $200,000,000 for the fiscal year ending September 30, 1977, and $200,000,000 for the fiscal year ending September 30, 1978.

(18) For access highways under section 155 of title 23, United States Code, $3,750,000 for the three month period ending September 30, 1976, $15,000,000 for the fiscal year ending September 30, 1977, and $15,000,000 for the fiscal year ending September 30, 1978.

(19) Nothing in the first ten paragraphs or in paragraphs (12), (13), (14), (17), or (18) of this section shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or chapter 4 of title 23, United States Code.

(b)(1) For each of the fiscal years 1978 and 1979, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall be transferred to and added to the amounts last apportioned to such State under paragraphs (1), (2) and (6) of section 104(b) in the ratio which these respective amounts bear to each other in that State, and shall thereafter be available for expenditure in the same manner and to the same extent as the amounts to which they are added. In order to carry out this subsection, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed $91,000,000 for the fiscal year ending September 30, 1978, and $125,000,000 for the fiscal year ending September 30, 1979.

(2) In addition to funds otherwise authorized, $65,000,000 for the fiscal year ending September 30, 1977, and $65,000,000 for the fiscal year ending September 30, 1978, out of the Highway Trust Fund, are hereby authorized for the purpose of completing projects approved under the urban high density traffic program prior to the enactment of this paragraph. Such sums shall be in addition to sums previously authorized.

(c)(1) In the case of priority primary routes, $50,000,000 of the sum authorized for fiscal year ending September 30, 1977, by the amendment made by subsection (a)(1) of this section, shall not be apportioned. Such $50,000,000 shall be available for obligation on July 1, 1976, in the same manner and to the same extent as sums apportioned for fiscal year 1977 except that such $50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such $50,000,000 not obligated by such Secretary before October 1, 1977, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1977, for priority primary routes and available for obligation for the same period as such apportionment.

(2) In the case of priority primary routes, $50,000,000 of the sum authorized for the fiscal year ending September 30, 1978, by the amendment made by subsection (a)(1) of this section, shall not be apportioned. Such $50,000,000 of such authorized sum shall be available for obligation on the date of such apportionment, in the same manner and to the same extent as the sums apportioned on such date, except that such $50,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost which require long periods of time for their construction. Any part of such $50,000,000 not obligated by such Secretary before October 1, 1978, shall be immediately apportioned in the same manner as funds apportioned on October 1, 1978, for such routes, and available for obligation for the same period as such apportionment.

INTERSTATE SYSTEM RESURFACING

SEC. 106. (a) In addition to any other funds authorized for the Interstate System, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $175,000,000 for the fiscal year ending September 30, 1978, and $175,000,000 for the fiscal year ending September 30, 1979. Such sums shall be obligated only for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads.

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ROUTE WITHDRAWALS

SEC. 111.

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(b) The amendment made by subsection (a) of this section shall be applicable to each route on the Interstate System approval of which was withdrawn or is hereafter withdrawn by the Secretary of Transportation in accordance with the provisions of section 103(e)(2) of title 23, United States Code, including any route on the Interstate System approval of which was withdrawn by the Secretary of Transportation in accordance with the provisions of title 23, United States Code, on August 30, 1965, for the purpose of designating an alternative route.

APPORTIONMENTS

SEC. 112.

* * * * * * *

(h) Notwithstanding any other provision of this Act, including any amendments made by this Act, funds authorized by this Act (other than for the Interstate System) for the transition quarter ending September 30, 1976, and for the fiscal year ending September 30, 1977, shall be apportioned on July 1, 1976, except as otherwise provided in section 104.

TRANSFERABILITY

SEC. 113.

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(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1976, and shall be applicable with respect to funds authorized for the fiscal year ending September 30, 1977, and for subsequent fiscal years. With respect to the fiscal year 1976 and earlier fiscal years, the provisions of subsections (c) and (d) of section 104 of title 23, United States Code, as in effect on June 30, 1976, shall remain applicable to funds authorized for such years.

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AVAILABILITY

SEC. 117.

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(c) The funds authorized by section 104 of this Act and all funds authorized by title I and II of this Act for the transition quarter ending September 30, 1976, shall, for the purposes of the application of sections 118 and 203 of title 23, United States Code, remain available for expenditure for the same period as funds authorized by this Act for the fiscal year ending September 30, 1977.

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LANDSCAPING AND SCENIC ENHANCEMENT

SEC. 136.

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(b) All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code, as in effect immediately before the date of enactment of this section shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b), notwithstanding the amendment made by the subsection (a) of this section.

BRIDGES ON FEDERAL DAMS

SEC. 137.

* * * * * * *

(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1977, and for subsequent fiscal years.

* * * * * * *

ACCELERATION OF PROJECTS

SEC. 141. The Secretary of Transportation shall carry out a project to demonstrate the feasibility of reducing the time required from the time of request for project approval through the completion of construction of highway projects in areas that, as a result of recent or imminent change, including but not limited to change in population or traffic flow resulting from the construction of Federal projects, show a need to construct such projects to relieve such areas from the impact of such change. There is authorized to be appropriated out of the Highway Trust Fund to carry out such project not to exceed $25,000,000. Not later than six months after the completion of such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such project, recommendations for applying such methods to other highway projects, and any changes which may be necessary to existing law to permit further reductions in the time necessary to complete highway projects.[33b]

* * * * * * *

USE OF TOLL RECEIPTS FOR HIGHWAY AND RAIL CROSSINGS

SEC. 144. Section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931, * is amended as follows:

(1) Subsection (a) is amended by striking out "heretofore enacted." and inserting in lieu thereof a period.

(2) The first sentence in subsection (b) is amended by striking out "of not to exceed two additional highway crossings and one rail

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[33b] Amended by sec. 136 of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2709-2710).

* (46 Stat. 1193)

transit crossing across the Bay of San Francisco and their approaches." and inserting in lieu thereof "(1) not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches, and (2) any public transportation system in the vicinity of any toll bridge in the San Francisco Bay Area. Such tolls may also be used to pay the cost of constructing new approaches to the Richmond-San Rafael Bridge in the San Francisco Bay Area."

(3) The existing third sentence in subsection (b) which beings "After" is repealed.

* * * * * * *

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROJECTS

SEC. 146. (a) The Secretary of Transportation is authorized to carry out traffic control signalization demonstration projects designed to demonstrate through the use of technology not now in general use the increased capacity of existing highways, the conservation of fuel, the decrease in traffic congestion, the improvement in air and noise quality, and the furtherance of highway safety, giving priority to those projects providing coordinated signalization of two or more intersections. Such projects can be carried out on any highway whether on or off a Federal-aid system.

(b) There is authorized to be appropriated to carry out this section of the Highway Trust Fund, not to exceed $40,000,000 for the fiscal year ending September 30, 1977, and $40,000,000 for the fiscal year ending September 30, 1978.

(c) Each participating State shall report to the Secretary of Transportation not later than September 30, 1977, and not later than September 30 of each year thereafter, on the progress being made in implementing this section and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the benefits resulting from such projects comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such traffic control signalization. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1978, on the progress being made in implementing this section and an evaluation of the benefits resulting therefrom.

ACCESS RAMPS TO PUBLIC BOAT LAUNCHING AREAS

SEC. 147. Funds apportioned to States under subsections (b)(1), (b)(2), and (b)(6) of section 104 of title 23, United States Code, may be used upon the application of the State and the approval of the Secretary of Transportation for construction of access ramps from bridges under construction or which are being reconstructed, replaced, repaired, or otherwise altered on the Federal-aid primary, secondary, or urban system to public boat launching areas adjacent to such bridges. Approval of the Secretary shall be in accordance with guidelines developed jointly by the Secretary of Transportation and the Secretary of the Interior.

DEMONSTRATION PROJECT

SEC. 148. The Secretary of Transportation, acting pursuant to his authority under section 6 of the Urban Mass Transportation Act of 1964, shall conduct a demonstration project in urban mass transportation for design, improvement, modification, and urban deployment of the Automated Guideway Transit system now in operation at the Dallas/Fort Worth Regional Airport. There is authorized to be appropriated to carry out this section $7,000,000 for the fiscal year ending September 30, 1977.

URBAN SYSTEM STUDY

SEC. 149. The Secretary of Transportation is authorized and directed to conduct a study of the various factors involved in the planning, selection, programing, and implementation of Federal-aid urban system routes which shall include but not be limited to the following:

(1) An analysis of the various types of organizations now in being which carry out the planning process required by section 134 of title 23, United States Code. Such analysis shall include but not be limited to the degree of representation of various governmental units within the urbanized area, the organizational structure, size and calibre of staff, authority provided to the organization under State and local law, and relation to State governmental entities.

(2) The status of jurisdiction over roads on the Federal-aid urban system (State, county, city, or other local body having control).

(3) Programing responsibilities under local and State laws with respect to the Federal-aid urban system.

(4) The authority for and capability of local units of government to carry out the necessary steps to process a highway project through and including the plan, specification, and estimate requirement of section 106 of title 23, United States Code, and final construction.

Such study shall be carried out in cooperation with State, county, city, and other local organizations which the Secretary deems appropriate. The study shall be submitted to the Congress within six months of enactment of this section.

INTERSTATE FUNDING STUDY

SEC. 150. (a) The Secretary of Transportation is hereby directed to undertake a complete study of the financing of completion of the Interstate Highway System. Such study should identify and analyze optional financing methods including State bonding authority under which the Secretary contracts to reimburse the States for up to 90 per centum of the principal and interest on such bonds. The Secretary shall report to the Congress not later than nine months after the date of enactment of this Act the results of the study.

(b) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress his recommendations regarding the need to provide Federal financial assistance for resurfacing, restoration, and rehabilitation of routes on the Interstate System. In arriving at his recommendations, he shall conduct a full and complete study in cooperation and in consultation with the States of alternative means of assuring that the high level of transportation service provided by the Interstate System is maintained. The results of the study shall accompany the Secretary's recommendations. The study shall include an estimate of the cost of implementing any recommended programs as well as an analysis of alternative methods of apportioning such Federal assistance among the States.

ALASKAN ROADS STUDY

SEC. 151. (a) The Secretary of Transportation is authorized to undertake an investigation and study to determine the cost of, and the responsibility for, repairing the damage to Alaska highways that has been or will be caused by heavy truck traffic during construction of the trans-Alaska pipeline and to restore them to proper standards when construction is complete. The Secretary of Transportation shall report his initial findings to the Congress on or before September 30, 1976, and his final conclusions on rebuilding costs no later than three months after completion of pipeline construction.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $200,000 for the purpose of making the study authorized by subsection (a) of this section.

GLENWOOD CANYON HIGHWAY CONSTRUCTION

SEC. 152. Notwithstanding section 109(b) of title 23 of the United States Code, the Secretary of Transportation is authorized, upon application of the Governor of the State, to approve construction of that section or portions thereof of Interstate Route 70 from a point three miles east of Dotsero, Colorado, westerly to No-Name Interchange, approximately 2.3 miles east of Glenwood Springs, Colorado, approximately 17.5 miles in length, to provide for variations from the number of lanes and other requirements of said section 109(b) in accordance with geometric and construction standards whether or not in conformance with said section 109(b) which the Secretary determines are necessary for the safety of the traveling public, for the protection of the environment, and for preservation of the scenic and historic values of the Glenwood Canyon. The Secretary shall not approve any project for construction under this section unless he shall first have determined that such variations will not result in creation of safety hazards and that there is no reasonable alternative to such project.

STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

SEC. 153. (a) The Secretary of Transportation shall make an investigation and study for the purpose of determining the need for special Federal assistance in the construction or reconstruction of highways on the Federal-aid system necessary for the transportation of coal or other uses in order to promote the solution of the Nation's energy problems. Such study shall include appropriate consultations with the Secretary of the Interior, the Administrator of the Federal Energy Administration, and other appropriate Federal and State officials.

(b) The Secretary shall report the results of such investigation and study together with his recommendations, to the Congress not later than one year after the date of enactment of this Act.

(c) In order to carry out the study, the Secretary is authorized to use such funds as are available to him for such purposes under section 104(a) of title 23, United States Code.

ESTABLISHMENT OF COMMISSION

SEC. 154. (a)(1) There is hereby established a Commission to be known as the National Transportation Policy Study Commission, hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the transportation needs and of the resources, requirements, and policies of the United States to meet such expected needs. It shall take into consideration all reports on National Transportation Policy which have been submitted to the Congress including but not limited to the National Transportation Reports of 1972 and 1974. It shall evaluate the relative merits of all modes of transportation in meeting our transportation needs. Based on such study, it shall recommend those policies which are most likely to insure that adequate transportation systems are in place which will meet the needs for safe and efficient movement of goods and people.

(b) Such Commission shall be comprised of 19 members as follows:

(A) Six members appointed by the President of the Senate from the membership of the Committee on Public Works, Committee on Commerce, and Committee on Banking, Housing and Urban Affairs of the United States Senate;

(B) five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Public Works and Transportation and one member appointed by the

Speaker from the membership of the Committee on Interstate and Foreign Commerce; and

(C) seven members of the public appointed by the President.

(c) The Commission shall not later than July 1, 1979, submit to the President and the Congress its final report including its findings and recommendations. The Commission shall cease to exist six months after submission of such report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States. [33c]

(d) Such report shall include the Commission's findings and recommendations with respect to—

(A) the Nation's transportation needs, both national and regional, through the year 2000;

(B) the ability of our current transportation systems to meet the projected needs;

(C) the proper mix of highways, rail, waterway, pipeline, and air transportation systems to meet anticipated needs;

(D) the energy requirements and availability of energy to meet anticipated needs;

(E) the existing policies and programs of the Federal government which affect the development of our national transportation systems; and

(F) the new policies required to develop balanced national transportation systems which meet projected need.

(e)(1) The Chairman of the Commission, who shall be elected by the Commission from among its members, shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national transportation policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Transportation, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the Federal Aviation Administration, the Interstate Commerce Commission, the Civil Aeronautics Board, and the U.S. Army Corps of Engineers.

(2) In carrying out its duties the Commission shall seek the advice of various groups interested in national transportation policy including, but not limited to, State and local governments, public and private organizations working in the fields of transportation and safety, industry, education, and labor.

(f)(1) The Commission or, on authorization of the Commission, any Committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

[33c] Amended by sec. 137(a) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2710).

(2) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(g)(1) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission, except Members of Congress shall each receive compensation at a rate not in excess of the maximum rate of pay for GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules of the House of Representatives or subsistence and other necessary expenses incurred by them in performance of duties while serving as a Commission member.

(h)(1) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The personnel shall be entitled to reimbursement for travel expenses, per diem in accordance with the Rules of the House of Representatives or subsistence, and other necessary expenses incurred by them in performance of their duties as personnel of the Commission. Any Federal employees subject to the civil services laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall any employee other than the staff director receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grades GS-18, as provided in the General Schedule under section 5332 of title 5, United States Code. [33d]

[33d] Amended by sec. 137(b)(1) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2710).

(2) The staff director shall be compensated at a Level 2 of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(i) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

(j) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filed in the same manner in which the original appointment was made.

(k) There are hereby authorized to be appropriated not to exceed $15,000,000 to carry out this section. Funds appropriated under this section shall be available to the Commission until expended.

LIMITATIONS

SEC. 155. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1976".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $122,000,000 for the fiscal year ending September 30, 1977, and $137,000,000 for the fiscal year ending September 30, 1978.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $10,000,000 for the three-month period ending September 30, 1976, $40,000,000 for the fiscal year ending September 30, 1977, and $50,000,000 for the fiscal year ending September 30, 1978.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $25,000,000 for the fiscal

year ending September 30, 1977, and $25,000,000 for the fiscal year ending September 30, 1978.

(4) For carrying out section 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, $2,500,000 for the three-month period ending September 30, 1976, $10,000,000 for the fiscal year ending September 30, 1977, and $10,000,000 for the fiscal year ending September 30, 1978.

(5) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of the Highway Trust Fund, $180,000,000 for the fiscal year ending September 30, 1977, and $180,000,000 for the fiscal year ending September 30, 1978.

(6) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1977, and $50,000,000 for the fiscal year ending September 30, 1978.

(7) For projects for high-hazard locations under section 152 of title 23, United States Code, and for the elimination of roadside obstacles under section 152 of title 23, United States Code, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending September 30, 1977, and $125,000,000 for the fiscal year ending September 30, 1978.

(8) For carrying out subsection (j)(2) of section 402 of title 23, United States Code (relating to incentives for the reduction of the rate of traffic fatalities), out of the Highway Trust Fund, $1,875,000 for the three-month period ending September 30, 1976, $7,500,000 for the fiscal year ending September 30, 1977, and $7,500,000 for the fiscal year ending September 30, 1978.

(9) For carrying out subsection (j)(3) of section 402 of title 23, United States Code (relating for incentives for reduction of actual traffic fatalities), out of the Highway Trust Fund, $1,875,000 for the three-month period ending September 30, 1976, $7,500,000 for the fiscal year ending September 30, 1977, and $7,500,000 for the fiscal year ending September 30, 1978.

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HIGHWAY SAFETY PROGRAMS

SEC. 208.

* * * * * * *

(b) The Secretary of Transportation shall, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under section 402 of title 23 of the United States Code which are in effect on the date of enactment of this Act. The Secretary shall report his findings, together with his recommendations, including but not limited to, the need for revision or consolidation of existing standards and the establishment of new standards, to Congress on or before July 1, 1977. Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of section 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.

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STEERING AXLE STUDY

SEC. 210. The Secretary of Transportation is directed to conduct an investigation into the relationship between the gross load on front steering axles of truck tractors and the safety of operation of vehicle combinations of which such truck tractors are a part. Such investigation shall be conducted in cooperation with representatives of (A) manufacturers of truck tractors and related equipment, (B) labor, and (C) users of such equipment. The Secretary shall report the results of such study to the Congress not later than July 1, 1977.

* * * * * * *

LIMITATIONS

SEC. 213. To the extent that any section of this title provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

FEDERAL-AID HIGHWAY ACT OF 1978

Public Law 95–599, 95th Cong., Nov. 6, 1978

AN ACT To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Assistance Act of 1978".

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1978".

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AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1980, the sums authorized to be appropriated for such periods by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 95-49 of the Committee on Public Works and Transportation of the House of Representatives.

HIGHWAY AUTHORIZATION

SEC. 104. (a) For the purposes of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,550,000,000 for the fiscal year ending September 30, 1979, $1,700,000,000 for the fiscal year ending September 30, 1980, $1,800,000,000 for the fiscal year ending September 30, 1981, and $1,500,000,000 for the fiscal year ending September 30, 1982. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $500,000,000 for the fiscal year ending September 30, 1979, $550,000,000 for the fiscal year ending September 30, 1980, $600,000,000 for the fiscal year ending September 30, 1981, and $400,000,000 for the fiscal year ending September 30, 1982.

(2) For the Federal-aid urban system, out of Highway Trust Fund, $800,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(3) For the forest highways, out of the Highway Trust Fund, $33,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(5) For forest development roads and trails, $140,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(6) For public lands development roads and trails, $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(7) For park roads and trails, $30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(8) For parkways, $45,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982. The entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, $83,000,000 per fiscal year for each of the fiscal years ending September 30, 1979. September 30, 1980, September 30, 1981, and September 30, 1982.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(11) For necessary administrative expenses in carrying out section 131 and section 136 of title 23, United States Code, $1,500,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(12) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(B) for Guam, not to exceed $5,000,000 per fiscal year for each of the fiscal year ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(C) for American Samoa, not to exceed $1,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(13) For the Commonwealth of the Northern Mariana Islands, not to exceed $1,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980. September 30, 1981, and September 30, 1982. Sums authorized by this paragraph shall be expended in the same manner as sums authorized to carry out section 215 of title 23, United States Code. Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) For the Northeast corridor demonstration program under section 322 of title 23, United States Code, $45,000,000 for the fiscal year

ending September 30, 1979, and $40,000,000 for the fiscal year ending September 30, 1980.

(15) For the Great River Road $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for construction or reconstruction of roads not on a Federal-aid highway system; and out of the Highway Trust Fund, $25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, for construction or reconstruction of roads on a Federal-aid highway system.

(16) For control of outdoor advertising under section 131 of title 23, United States Code $30,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(17) For safer off-system roads under section 219 of title 23, United States Code, $200,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(18) For access highways under section 155 of title 23, United States Code, $15,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.

(b)(1) For each of the fiscal years 1980, 1981, 1982, and 1983, no State including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, and rehabilitation of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code. In order to carry out this subsection, and section 158 of the Federal-Aid Highway Act of 1973, there are authorized to be appropriated, out of the Highway Trust Fund, not to exceed $125,000,000 per fiscal year for each of the fiscal years ending September 30, 1980, September 30, 1981, September 30, 1982, and September 30, 1983.

(2) In addition to funds otherwise authorized, $85,000,000 out of the Highway Trust Fund, is hereby authorized for the purpose of completing routes designated under the urban high density traffic program prior to May 5, 1976. Such sums shall be in addition to sums previously authorized.

(c) In the case of priority primary routes, $125,000,000 per fiscal year of the sums authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 of each such authorized sum shall be available for obligation on the date of apportionment of funds for each such fiscal year in the same manner and to the same extent as the sums apportioned on such date, except that such $125,000,000 shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such $125,000,000 not obligated by such Secretary on or before the last day of the fiscal year for which authorized shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment.

(d)(1) Twenty per centum or more of the apportionment for each fiscal year to each State of the sum authorized in paragraph (1) of subsection (a) of this section for the Federal-aid primary system (including extensions in urban areas and priority primary routes) for such fiscal year shall be obligated in such State for projects for the resurfacing, restoration, and rehabilitation of highways on such system.

(2) Twenty per centum or more of the apportionment for each fiscal year to each State of the sum authorized in paragraph (1) of subsection (a) of this section for the Federal-aid secondary system for such fiscal year shall be obligated in such State for projects for the resurfacing, restoration, and rehabilitation of highways on such system.

INTERSTATE SYSTEM RESURFACING

SEC. 105. In addition to any other funds authorized to be appropriated, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980 and September 30, 1981, and not to exceed $275,000,000 for the fiscal year ending September 30, 1982, not to exceed $800,000,000 for the fiscal year ending September 30, 1983, not to exceed $1,950,000,000 for the fiscal year ending September 30, 1984, not to exceed $2,400,000,000 for the fiscal year ending September 30, 1985, not to exceed $2,800,000,000 for the fiscal year ending September 30, 1986, and not to exceed $3,150,000,000 for the fiscal year ending September 30, 1987. Such sums shall be obligated for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads, except that where a State certifys to the Secretary that any part of such sums are excess to the needs of such State for resurfacing, restoring or rehabilitating Interstate System lanes and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1). Such sums may also be obligated for projects for resurfacing, restoring, and rehabilitating lanes in use for more than five years on a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.[34]

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COMPLETION OF INTERSTATE SYSTEM

SEC. 107.

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(c) The amendment made by subsection (a) of this section shall apply to each route or portion thereof designated under section 103(e)(2) of title 23, United States Code, before January 1, 1978, the construction of which was not complete on such date, and the Secretary of Transportation shall make such revisions in existing contracts and agreements as may be necessary to carry out this section and the amendment made by subsection (a) of this section.

(d) Notwithstanding any other provision of law, including but not limited to section 103 of title 23, United States Code and this section, no route or portion thereof shall be constructed on the National System of Interstate and Defense Highways with respect to which an environmental impact statement has not been submitted to the Secretary of Transportation in accordance with the National Environmental Policy Act of 1969 by September 30, 1983. Any such route or portion thereof shall thereupon be removed from designation as part of such Interstate System.

(e) By September 30, 1986, all routes or portions thereof on the Interstate System (for which the Secretary of Transportation finds that sufficient Interstate authorizations are available) and all Interstate substitute projects pursuant to subsection (e)(4) of section 103 of title 23,

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[34] Amended by enactment clause, Public Law 97–134, Dec. 29, 1981 (95 Stat. 1699); and sec. 106, Public Law 97–424, Jan. 6, 1983 (96 Stat. 2100).

United States Code (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. Immediately after such date, the Secretary shall remove from designation as part of the Interstate System each route or portion thereof not complying with this subsection and in the case of a substitute project the Secretary shall withdraw approval and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code. For purposes of this subsection, the term "construction" has the meaning such term has under section 101(a) of title 23, United States Code. [35]

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(f)(2) The amendment made by paragraph (1) of this subsection shall apply to any withdrawal of approval before the date of the enactment of this subsection. [36]

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ACCELERATION OF CONSTRUCTION OF INTERSTATE SYSTEM

SEC. 115.

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(c) No interest shall be paid under authority of section 122 of title 23, United States Code, on any bonds issued prior to the date of enactment of this Act, unless such bonds were issued for projects which were under construction on January 1, 1978. Interest on bonds issued in any fiscal year by a State after the date of enactment of this Act may be paid under authority of section 122 of title 23, United States Code, only if (1) such State was eligible to obligate funds of another State under subsection (a) of this section during such fiscal year and (2) the Secretary of Transportation certifies that such eligible State utilized, or will utilize, to the fullest extent possible during fiscal year its authority to obligate fund under such subsection (a) of this section. No interest shall be paid under section 122 of title 23, United States Code, on that part of the proceeds of bonds issued after the date of enactment of this Act used to retire or otherwise refinance bonds issued prior to such date.

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ENFORCEMENT OF VEHICLE WEIGHT LIMITATIONS

SEC. 123. (a) Not later than the one-hundred-eightieth day after the date of enactment of this section, the Secretary of Transportation, hereunder referred to as the "Secretary", in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight laws, rules, and regulations on any portion of any

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[35] Amended by sec. 107(g), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2103).
[36] Repealed by sec. 2(b), Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

(b)(1) Not later than the one-hundred-eightieth day after the date of enactment of this section, the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

(2) For purposes of this subsection, the term "special permit" means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section and each calendar year thereafter the Secretary shall submit to Congress an annual report together with such recommendations as the Secretary deems necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141(b) of title 23, United States Code.

(e) Section 141(c) (2) and (3) of title 23, United States Code, shall be applicable to certifications required by such section 141 to be filed on or after January 1, 1980.[37]

HIGHWAY BRIDGE REPLACEMENT PROGRAM

SEC. 124.

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(c) The Secretary of Transportation shall complete the requirements of subsection (c) of section 144 of title 23, United States Code, as amended by subsection (a) of this section not later than the last day of the second full calendar year which begins after the date of the enactment of this section.

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CARPOOLS AND VANPOOLS

SEC. 126.

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(d) It is hereby declared to be national policy that special effort should be made to promote commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. The Secretary is directed to assist both public and private employers and employees who wish to establish carpooling and vanpooling programs where they are needed and desired, and to assist local and State governments, and their instrumentalities, in encouraging such modes by removing legal and regulatory barriers to such programs, supporting existing carpooling and vanpooling programs, and providing technical assistance, for the purpose of increasing participation in such modes.

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[37] Repealed by sec. 12 of Public Law 96–106, Nov. 9, 1979 (93 Stat. 796).

(e) The Secretary of Transportation is authorized to make grants and loans to States, counties, municipalities, metropolitan planning organizations, and other units of local and regional government consistent with the policy of subsection (d) of this section. Such grants and loans shall be awarded in a manner which emphasizes energy conservation, although the Secretary may use other factors as he deems appropriate. The Federal share of the costs of any project approved under this subsection shall not exceed 75 per centum. No grant awarded under this subsection may be used for the purchase or lease of vehicles.

(f) There is hereby authorized to be appropriated, out of the Highway Trust Fund, not to exceed $1,000,000 for the fiscal year ending September 30, 1979, $1,000,000 for the fiscal year ending September 30, 1980, and $1,000,000 for the fiscal year ending September 30, 1981, for expenditures incurred by the Secretary of Transportation in carrying out the provisions of subsection (d) of this section, and $3,000,000 for the fiscal year ending September 30, 1979, and $9,000,000 for the fiscal year ending September 30, 1980, for the purpose of carrying out the program described in subsection (e) of this section.

(g) The Secretary of Transportation shall not approve any project under subsection (d) or (e) of this section or under section 146 of title 23, United States Code, which will have an adverse effect on any mass transportation system.

(h) The Secretary of Transportation is directed to study the administrative effectiveness of carpooling and vanpooling programs within the Department of Transportation, including programs of the Federal Highway Administration, the Urban Mass Transportation Administration, and the Office of the Secretary. Such study shall be completed no later than September 30, 1979. Upon completion of such study, the Secretary shall propose a plan to centralize or modify such programs to make delivery of services and grants more efficient, more cost-effective, and to avoid duplication of effort. Such plan shall list statutory changes needed to implement such a plan, which shall be sent to Congress no later than March 30, 1980.

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BRIDGES ON DAMS

SEC. 128.

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(b) Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be appropriated out of Highway Trust Fund for the fiscal year ending September 30, 1978, and for subsequent fiscal years.

FEDERAL SHARE

SEC. 129.

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(h) The amendments made by subsections (a) through (g) of this section shall take effect with respect to obligations incurred after the date of enactment of this section.

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NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

SEC. 137.

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(b)(2) The amendment made by paragraph (1) of this subsection shall take effect on May 5, 1976.

APPALACHIAN DEVELOPMENT HIGHWAYS

SEC. 138.

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(c) In any case where an Appalachian development highway on the Federal-aid primary system, is the final section of an approved Appalachian development corridor highway within an urbanization area, transects an unincorporated jurisdiction, and is a necessary element of a flood control project for the protection of a commercially zoned area containing not less than seventy commercial and industrial establishments which is authorized under section 205 of the Flood Control Act of 1948, the Secretary of Transportation shall provide to the State highway department so much of the costs, not to exceed $1,800,000, as may be necessary to permit construction of that portion of such development highway as is necessary to permit completion of the flood control project. The Federal share of the total cost of any complete Appalachian development highway a portion of which receives assistance under this subsection shall not exceed (including all assistance under this subsection) that percentage of such total cost which, but for this subsection, would otherwise be applicable to such development highway.

USE OF TOLL RECEIPTS

SEC. 139. The second sentence of subsection (b) of section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland", approved February 20, 1931, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and new approaches to the San Mateo Bridge in the San Francisco Bay Area".

ROUTE DESIGNATION

SEC. 140. Notwithstanding the amendments made by section 107(b) of this Act, the Secretary of Transportation shall, not later than sixty days after the date of enactment of his Act, designate as routes on the National System of Interstate and Defense Highways 20.5 miles of existing State Route 11 in the city of Los Angeles, California, between FAI Route 10 and State Route 47/Community of San Pedro, 4.2 miles of the proposed Lockport Expressway in the town of Amherst, Erie County, New York, and 5.1 miles of proposed Interstate Route I–481, connecting Exit 34–A of I–90 to the Bear Road Interchange of I–81 in Onondaga County, New York.

BICYCLE PROGRAM

SEC. 141. (a) For the purposes of this section, the term—

(1) "Secretary" means the Secretary of Transportation;

(2) "bikeway" means a new or improved lane, path, or shoulder, a traffic control device, lighting, or a shelter or parking facility for bicycles;

(3) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(b) The Secretary shall, by regulation, establish design and construction standards for bikeway construction projects for which grants are authorized in subsection (c) and section 217 of title 23, United States Code. Such regulations shall contain criteria for pavements, adequate widths, sight distances and lighting; appropriate design speeds and grades; and such other requirements as the Secretary may deem necessary.

(c) The Secretary is authorized to make grants to States and to political subdivisions thereof for (1) the construction of bikeways which (A) comply with regulations promulgated pursuant to subsection (b), or (B) prior to promulgation of such regulations, reflect current state of the Art standards, or (2) nonconstruction programs or projects which can reasonably be expected to enhance the safety and use of bicycles. Projects in urban areas financed with grants under this subsection shall be in accordance with the continuing, comprehensive planning process in section 134 of title 23, United States Code.

(d) The Federal share of any project or program for which a grant is made under subsection (c) shall not exceed 75 per cent.

(e) Grants made under this section shall be in addition to any sums available for bicycle projects under section 217 of title 23, United States Code.

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(i) There is authorized to be appropriated to the Secretary to carry out subsection (c), for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, out of the Highway Trust Fund $10,000,000, and $10,000,000 out of any other money in the Treasury not otherwise appropriated.

RAIL OPERATION PROJECTS IN NONHIGHWAY AREAS

SEC. 142. (a) The Secretary may approve for Federal financial assistance from funds apportioned for the Federal-aid primary system under section 104(b)(1) of title 23, United States Code, projects to provide such assistance for the operation of those portions of the Alaska Railroad from Whittier to Portage, Alaska, for the purpose of linking up highways or other transportation modes receiving Federal financial assistance from funds apportioned under such section. Not more than 5 per centum of the funds apportioned for the Federal-aid primary system under section 104(b)(1) of title 23, United States Code shall be expended in any fiscal year under this section. Any such approval shall be subject to the conditions that—

(1) fares or other charges made in such operations shall be under the control of a Federal or State agency or official; and

(2) all revenues derived from operation of such portions shall be used to pay for the cost of construction or acquisition of the railroad (including equipment) involved in such operation, debt service thereon, and actual and necessary costs of operation, maintenance, repair, and replacement.

(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of title 23, United States Code, except those provisions which the Secretary determines are inconsistent with this section.

INTERSTATE ROUTE I–90

SEC. 143. (a) Notwithstanding sections 129 and 301 of title 23, United States Code, or any regulation or agreement to the contrary, the Secretary of Transportation is authorized to approve projects on the Interstate System for the construction and reconstruction of approaches and interchanges connecting route I–88 to route I–90 if all lanes on I–90 between exits 25 and 26 are free of tolls for I–88 traffic and connecting route I–87 to route I–90 if all lanes on I–90 between exits 24 and 26 are free of tolls for I–88 traffic, in New York State although such projects

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have no use other than as approaches to route I-90, if such projects are otherwise eligible for such approval.[38]

(b) The Secretary of Transportation is authorized to approve as a project on the Interstate System the construction of an additional lane in each direction on route I-90 between exits 24 and 25½ on condition that all lanes on I-90 between exits 24 and 26 are free of tolls for I-88 traffic.[39]

METRIC SYSTEM SIGNING

SEC. 144. (a) No Federal funds may be expended to construct, erect, or otherwise place any sign relating to any speed limit, any distance, or other measurement, on any highway if such sign establishes such speed limit, distance, or other measurement solely using the metric system, unless Congress after the date of enactment of this Act specifically authorizes such expenditure.

(b) No Federal funds may be expended to modify any sign relating to any speed limit, any distance, or any other measurement on any highway for the conversion of such sign solely to the metric system unless Congress, after the date of the enactment of this Act specifically authorizes such expenditure.

(c) For purposes of subsections (a) and (b)—

(1) the term "highway" means a highway as defined in section 101 of title 23, United States Code; and

(2) the term "metric system" means metric system of measurement as defined in section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

(d) This section shall not apply to the Commonwealth of Puerto Rico.[40]

THE MAINE TURNPIKE

SEC. 145. (a) Upon satisfaction by the State of Maine or the Maine Turnpike Authority of the following conditions, the State of Maine and the Maine Turnpike Authority shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on the Maine Turnpike or for the use thereof contained in title 23, United States Code, or in any regulation or agreement thereunder: repayment by the State of Maine or the Maine Turnpike Authority to the Treasurer of the United States of the sum of $8,577,900 which is the amount of Federal-aid highway funds received for construction of interchanges or connections with the Maine Turnpike at West Gardiner, Kennebec County, Maine, at York, York County, Maine, and at Scarborough-South Portland, Cumberland County, Maine. The amount to be repaid shall be deposited to the credit of the appropriation for 'Federal-Aid Highway (Trust Fund)'. Such repayment shall be credited to the unprogramed balance of the Federal-aid highway funds of the classes determined by the Secretary to and in cooperation with the State of Maine. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

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[38] Amended by sec. 13(a) of Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

[39] Amended by sec. 13(b) of Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

[40] Added by sec. 14 of Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

(b) The State of Maine and the Maine Turnpike Authority are deemed to be in compliance with section 129(c) of title 23, United States Code: *Provided,* That the conditions of subsection (a) are satisfied.[41]

FOREIGN BUILT HOVERCRAFT IN ALASKA

SEC. 146. (a) Effective during the five-year period beginning on the date of enactment of this Act, nothing in section 27 of the Merchant Marine Act, 1920, or other provision of law restricting the coastwise trade to vessels of the United States shall prohibit the transportation within the State of Alaska of merchandise or passengers by foreign built hovercraft.

(b) For the purpose of this section the term "hovercraft" means a vehicle which travels over land or water in a cushion of air generated by such vehicle.

ACCELERATION OF BRIDGE PROJECTS

SEC. 147. The Secretary of Transportation shall carry out two projects to construct or replace high traffic volume bridges located on the Federal-aid system and which traverse major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges. One project shall demonstrate the feasibility of reducing the time required from the time of a request for project approval through completion of construction. The other project shall demonstrate the feasibility of reducing the time to complete construction of bridge projects on which all Federal environmental and navigational reviews and assessments have been completed. Not to exceed $54,000,000 of the amount authorized for the fiscal year ending September 30, 1979, by section 202(6) of the Highway Safety Act of 1978 to be apportioned under section 144(e) of title 23, United State Code, shall be set aside before any such apportionment and shall be available for obligation to carry out this section in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall be available until expended. Such additional funds as may be necessary to complete the projects shall be set aside for such purpose from the amount authorized for the fiscal year ending September 30, 1981, by section 202(6) of the Highway Safety Act of 1978 before any apportionment of such amount under section 144(e) of title 23, United States Code, and such funds shall be available for obligation in the same manner and to the same extent as funds set aside under authority of the preceding sentence. The Federal share of the projects authorized by this section shall be that provided in section 120(c) of title 23, United States Code. Not later than six months after completion of each such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such bridge project, recommendations for applying such methods to other bridge projects, and any changes which may be necessary to existing laws to permit further reductions in the time necessary to complete bridge projects.[42]

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[41] Amended by sec. 11, Public Law 97-134, Dec. 29, 1981 (95 Stat. 1699).

THOUSAND ISLANDS BRIDGE AUTHORITY

SEC. 148. The facility owned by the Thousand Islands Bridge Authority located in part on the right-of-way of Interstate Route I-81 in New York State six hundred feet from the border with Canada is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on such rights-of-way. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

BLOOMINGTON FERRY BRIDGE

SEC. 149. There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, $200,000 for expenditure through the State of Minnesota in preparing environmental impact statements required by Federal Law in connection with the construction of the Scott County-Hennepin County Highway 18 Bridge (Bloomington Ferry Bridge) in the vicinity of Bloomington, Minnesota. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code.

ACCESS CONTROL DEMONSTRATION PROJECTS

SEC. 150. (a) The Secretary of Transportation is authorized to carry out access control demonstration projects designed to demonstrate whether preserving the capacity of existing highways to move traffic safely by acquiring and controlling the right of access to such a highway is a cost effective alternative to the construction of additional highways. Such demonstration projects shall be carried out (1) on highways which are on the Federal-aid primary or secondary system, and are well maintained and in good condition, and (2) in traffic corridors which are not already subject to heavy industrial, commercial, or residential development. The Secretary of Transportation shall carry out one such demonstration project in each of three States.

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[42] Amended by sec. 15 of Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

(b) On or before September 30, 1985, the Secretary shall report to Congress the results of the projects carried out under this section.[42a]

(c) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed $10,000,000 for the fiscal year ending September 30, 1979, and $20,000,000 for the fiscal year ending September 30, 1980.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code.

CONNECTOR PRIMARY DEMONSTRATION

SEC. 151. Repealed.[43]

DEMONSTRATION PROJECT—BYPASS HIGHWAY

SEC. 152. The Secretary of Transportation is authorized to carry out a demonstration project on the Federal-aid primary system for the construction of a bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County, California, for the purpose of determining the extent such bypass highway will divert motor vehicle traffic around such park so as to best serve the needs of the traveling public while preserving the natural beauty of the park. Such project shall be subject to the provisions of chapter 1 of title 23, United States Code, applicable to highway projects on the Federal-aid system, except that the Federal share of the cost of such project shall not exceed 90 per centum. The Secretary shall report to Congress upon completion of the project the results of this demonstration project, together with any recommendations the Secretary deems necessary. There is authorized to be appropriated, out of the Highway Trust Fund, $5,000,000 for fiscal year 1979, $25,000,000 for fiscal year 1980, and $20,000,000 for fiscal year 1981 and $55,000,000 for fiscal year 1983, to carry out this section. Such sums shall remain available until expended. Sums authorized to be appropriated under this section shall not be subject to any State or local law relating to apportionment of funds available for the construction or improvement of highways.[44]

[42a] Amended by sec. 140, Public Law 97–424, Jan. 6, 1983 (96 Stat. 2128).

[43] Repealed by sec. 105(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2100).

[44] Amended by sec. 12, Public Law 97–134, Dec. 29, 1981 (95 Stat. 1699).

DEMONSTRATION PROJECT—VENDING MACHINES

SEC. 153. The Secretary of Transportation shall carry out a demonstration project on the Interstate System, which, notwithstanding section 111 of title 23, United States Code, would permit the placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on the rights-of-way of such System. The vending machines shall dispense such food, drink, and other articles as the Secretary of Transportation determines necessary to ascertain the need for, and desirability of, this service to the traveling public. The Secretary of Transportation shall report to Congress not later than two years after the date of enactment of this section on the results of the demonstration project authorized by this section together with any recommendations he deems necessary.

DEMONSTRATION PROJECT OF INTEGRATED MOTORIST INFORMATION SYSTEM

SEC. 154. (a) The Secretary of Transportation is authorized to carry out a demonstration project of the use of a sophisticated automated roadway management system to increase the capacity and safety of automobile travel in high density travel corridors without providing additional lanes of pavement. The management system shall coordinate the traffic flow in major freeways and arterials servicing the travel corridor by use of an integrated system of vehicle sensors to monitor traffic, computers to assess traffic conditions throughout the corridor, and devices to communicate with drivers, police, and emergency equipment.

(b) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed $1,500,000 for the fiscal year ending September 30, 1979, not to exceed $2,500,000 for the fiscal year ending September 30, 1980, and not to exceed $26,000,000 for the fiscal year ending September 30, 1981.

(c) The Federal share payable on account of any project authorized under this section shall not exceed 90 per centum of the total cost thereof.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall not exceed 90 per centum.

DEMONSTRATION PROJECT—RESTRICTED ACCESS

SEC. 155. (a) The Secretary of Transportation is authorized to carry out a demonstration project in a metropolitan area having a population of five hundred thousand, or more, to restrict the access of motor vehicles to the central business district of such area during hours of peak traffic for the purpose of determining the practicability of this method of reducing motor vehicle congestion in this area.

(b) The Secretary of Transportation shall submit a progress report annually on the project authorized by this section and a final report, together with his recommendations, not later than three years after the date of enactment of this Act.

(c) There is authorized to be appropriated, out of the Highway Trust Fund, such sums as may be necessary to carry out this section.

ALASKA AND PUERTO RICO INTERSTATE STUDY

SEC. 156. The Secretary of Transportation shall study and report to the Congress by July 1, 1979, on the feasibility and desirability of designating routes in the State of Alaska and Commonwealth of Puerto Rico as part of the National System of Interstate and Defense Highways. The study shall consider the transportation needs in such areas and shall include, but not be limited to, necessity for intercity routes of a standard greater than the primary system, expected traffic volume, requirements for movement of goods, and need for connectivity. The Secretary shall also report on appropriate design standards required for Interstate routes in the State of Alaska.

EAST-WEST TOLL ROAD—INDIANA STUDY

SEC. 157. The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall study the possibility of relieving the Indiana Toll Road Commission of obligations resulting from the use of certain Federal funds and report the results of such study to the Congress by November 15, 1978. Such study shall be limited to the following:

(1) Additional Indiana East-West Toll Road entrances and exists in locations designated as metropolitan areas by the United States Census Bureau, 1970 census or cities of twenty-five thousand or more population, and the approximate cost and course of funding of each interchange.

(2) Methods of economical toll collections assuring fair and equitable payment from the individual user and ascertainment of urban toll free areas.

(3) Improvements necessary to insure compliance of the Indiana East-West Toll Road with Interstate Highway Standards and the approximate cost and source of payment for such improvements.

(4) Projection of maintenance costs and revenues of the Indiana East-West Toll Road until 1994 under various toll systems and charges.

(5) Formula of toll distribution by which Indiana communities directly affected by ingress to or egress from the Indiana East-West Toll Road (limited to Indiana communities within fifteen

miles of the Indiana East-West Toll Road) may be reimbursed for costs incurred due to the toll road from revenues remaining after expenditures are made for the upgrading of the Indiana East-West Toll Road to Federal highway standards, the maintenance of the toll road, the construction of new interchanges and bond obligations, specifically including reserves.

(6) The total cost to the State highway commission if tolls are removed.

(7) An estimate of the time frame for the earliest construction of whatever improvements are recommended, based upon each of the following alternative methods of financing: by proceeds from the sale of toll supported bonds, by funds provided solely by the State of Indiana, and by funds principally provided by the Federal Government.

COLUMBIA RIVER BRIDGE STUDY

SEC. 158. The Secretary of Transportation, in cooperation with the States of Washington and Oregon, shall conduct a feasibility study of an additional bridge across the Columbia River between Vancouver, Washington, and Portland, Oregon. The Secretary shall report the results of such study, together with his recommendations, not later than January 1, 1979.

STUDY CONCERNING URBAN BLIGHT

SEC. 159. The Secretary shall conduct a study of the potential for reducing urban blight adjacent to Federal-aid primary and interstate highways located in central business districts, which shall include but not be limited to the following—

(a) a catalogue and evaluation of adverse impacts on adjacent land use;

(b) development of a list of potential ways that these adverse impacts could be eliminated or reduced;

(c) estimates of potential increases in value of adjacent land and air rights resulting from reduction of adverse highway impacts together with estimates of potential costs of highway improvements and related measures needed to reduce adverse impacts;

(d) an assessment of the feasibility of using air rights and adjacent land after the improvements are completed to contribute to urban employment, recreational opportunities, low and moderate income housing, and commercial, retail, institutional and higher income residential development;

(e) the development of financing proposals, including legislative proposals, involving all appropriate levels of government and private capital where appropriate, which would finance improvements identified as desirable;

(f) such other matters as the Secretary shall deem appropriate. Such study shall be conducted in cooperation with appropriate State and local governments and shall be submitted to Congress two years after the date of enactment.

INTERDEPARTMENTAL COORDINATION STUDY

SEC. 160. (a) The Secretary of Transportation shall make a full and complete investigation and study with the cooperation of the Secretaries of the Departments of Energy, Housing and Urban Development, and Commerce, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget of—

(1) all those factors affecting the integration of the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws;

(2) the parallel among all rules, regulations, administrative reviews, and approvals pursuant to the Acts referred to in paragraph (1) of this subsection;

(3) all those factors affecting the availability and coordination of funding sources to achieve improved air quality, energy conservation, and transportation efficiency;

(4) the degree to which urban growth, development, and Federal funding to urban areas is predicated upon compliance with the Clean Air Act requirements and plans to attain air quality standards;

(5) the feasibility of permitting tolls and other user charges on roads and highways on the Federal-aid systems as part of a State implementation plan under the Clean Air Act.

(b) The results of the investigation and study described in subsection (a) of this section shall be reported to the President and the Congress no later than one year following the date of enactment of this section.

(c) Nothing in this section shall be construed to amend, stay, or in any other way restrict or limit any authority or duty under the Clean Air Act, the Energy Policy and Conservation Act, the Urban Mass Transportation Act of 1964, and title 23, United States Code and related highway laws.

VEHICLE WEIGHTS—INTERSTATE

SEC. 161. (a)(1) The Secretary of Transportation is hereby authorized and directed, in cooperation with other Federal officers and agencies, the State departments of transportation or highway departments, and other affected parties, to make a study and investigation of—

(A) the need for, and desirability of, uniformity in maximum truck size and weight limits throughout the United States;

(B) the effect upon the construction, reconstruction and maintenance of roads, upon the economy of a State or region upon energy consumption, and upon carriers of reducing to limits set forth in section 127, title 23, United States Code, those maximum size and weight limits currently higher than limits in such section;

(C) the relation of highway and bridge design, construction practices, and maintenance costs in those States with weights above the Federal maximum, including an analysis of the adequacy of such design practices for these weights, as compared to the same factors in States adhering to the weight limits set forth in section 127 of title 23, United States Code; and

(D) the adequacy of current highway and bridge design standards with respect to the present and future transportation needs, considering costs, economy of transportation and fuel efficiency.

(2) The Secretary shall report to the Congress the findings and recommendations of this study no later than January 15, 1981. Such report shall include recommendations on the desirability of uniform maximum truck weights and, if desirable, appropriate means to bring about such uniformity, and the appropriateness of current maximum vehicle weights.

IMPACT OF INCREASED UNIT TRAIN TRAFFIC

SEC. 162. (a) The Secretary of Transportation, in cooperation with the State highway departments, and appropriate officials of local government, is authorized and directed to undertake a comprehensive investigation and study of techniques for alleviating the environmental, social, economic, and developmental impacts of increased unit train traffic to meet national energy requirements in communities located along rail corridors experiencing such increased traffic. Such study and investigation shall include, but not be limited to, the following:

(1) identification of specific adverse impacts on affected communities;

(2) examination of specific techniques to alleviate such impacts, including but not limited to low cost systems management methods, grade crossing separation, and rail line relocation, together with an assessment of the cost and benefits of each such technique;

(3) delineation of criteria to determine whether grade crossing separation or rail line relocation is appropriate for a given location;

(4) determination of the proper share of the cost of implementation for each such technique to be borne by the railroad or railroads based on the net benefit derived; and

(5) determination of various costs for different types of separation construction based on such factors as number of rail lines and number of highway lanes intersecting at the crossing.

(b) In the conduct of the investigation and study authorized by subsection (a) of this section, the Secretary shall specifically consider the following rail corridors:

(1) the Burlington Northern mainline from Beach, North Dakota to Staples, Minnesota, from Staples, Minnesota to Minneapolis/St. Paul, Minnesota and from Staples, Minnesota to Duluth, Minnesota/Superior, Wisconsin;

(2) the Burlington Northern line from Joder, Nebraska to Rulo, Nebraska;

(3) the Chicago Northwestern line from Harrison, Nebraska to Blair, Nebraska; and

(4) the Union Pacific line from Scottsbluff, Nebraska to Steele City, Nebraska.

(c) The Secretary shall report to the Congress on the results of the investigation and study authorized by subsection (a) of this section not later than March 31, 1979. Such report shall include the information required by subsection (a) together with the Secretary's conclusions and recommendations for appropriate legislation.

(d) There is hereby authorized to be appropriated not to exceed $350,000 to carry out this section.

BRIDGE DIVERSION STUDY

SEC. 163. The Secretary of Transportation shall make a full and complete investigation and study of the need for, and ways and means of accomplishing, diverting a portion of the traffic from the bridges on the Interstate System across the Mississippi River presently operating above designed capacity to other bridges in the vicinity of any such Interstate System bridge. The Secretary shall report to Congress not later than two years after the date of enactment of this section the results of such investigations and study together with recommendations for necessary legislation.

BONDED INDEBTEDNESS STUDY

SEC. 164. The Secretary of Transportation shall conduct a study to determine the extent of outstanding bonded indebtedness for each State as of January 1, 1979, incurred by each State or public authority within each State prior to June 29, 1956, for the construction of roads or portion thereof incorporated into the Interstate System. The study should determine a method of allocating bonded indebtedness between portions of toll roads which have been incorporated into the Interstate System and those portions which have not been incorporated into the Interstate System; and also determine a method of allocating bonded indebtedness between those portions of the Interstate System on which tolls are collected and those portions which are toll free. The study should determine what specific encumbrances there are to expeditious removals of tolls and recommend alternative methods for equitable payment of debt service for the purposes of making toll roads incorporated into the Interstate System free to public travel. The Secretary shall report his findings to Congress not later than July 1, 1980.[45]

DULLES AIRPORT ACCESS HIGHWAY STUDY

SEC. 165. The Secretary of Transportation shall, not later than ninety days after the date of enactment of this section, complete the ongoing study of commuter access to the Dulles Airport Access Highway and report the findings and recommendations to Congress.

STUDY—FACTORS AFFECTING TRANSPORTATION OPERATIONS

SEC. 166. The Secretary of Transportation shall make a full and complete investigation and study of all those factors affecting the safe and efficient operation of bridges, tunnels, and roads within the United States, including, but not limited to, structural, operational, environmental, and civil disturbance factors.

OBLIGATION LIMITATION

SEC. 167. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1979 shall not exceed $8,500,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code.

(b) Notwithstanding the limitation contained in subsection (a) of this section, the Secretary shall not in any way control—

(1) the rate of obligation of such limitation by allocation of such limitation or in any other manner; and

(2) by priority or otherwise, programs or projects eligible for Federal financial assistance from those funds for such programs and projects which are subject to such limitation, if such programs or projects are otherwise eligible for such assistance under title 23, United States Code, or any other applicable provision of law.

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NATIONAL ALCOHOL FUELS COMMISSION

SEC. 170. (a)(1) There is hereby established a Commission to be known as the National Alcohol Fuels Commission hereinafter referred to as the "Commission".

(2) The Commission shall make a full and complete investigation and study of the long- and short-term potential for alcohol fuels, from biomass (including, but not limited to, animal, crop and wood waste,

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[45] Amended by sec. 16(a), (b), and (c) of Public Law 96-106, Nov. 9, 1979 (93 Stat. 796).

municipal and industrial waste, sewage sludge, and oceanic and terrestrial crops) and coal, to contribute to meeting the Nation's energy needs. It shall take into consideration the technical, economic, legal, environmental, and social factors associated with the production, manufacture, distribution, and use of such fuels. It will evaluate the costs and benefits of alternative feedstocks, and their possible end uses, and analyze the feasibility and desirability of converting these resources to alcohol fuels. Based on such study it shall recommend those policies, and their attendant costs and benefits, most likely to minimize our dependence on petroleum, insure adequate energy supplies, and contribute to the economic health of the Nation.

(3) Members of the Commission shall be appointed by February 1, 1979. The Commission shall be established within sixty days of being provided with funds. The Commission shall be comprised of nineteen members as follows:

(A) a Chairman and five members appointed by the President pro tempore of the Senate from the membership of the Committee on Energy and Natural Resources, the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate;

(B) a Vice Chairman and five members appointed by the Speaker of the House of Representatives from the membership of the Committee on Appropriations, the Committee on Science and Technology, and the Committee on Agriculture of the United States House of Representatives; and

(C) seven members of the public appointed by the President, including a broad representation from industrial, labor, agricultural, small business, and consumer groups.

(b) The Commission shall not later than eighteen months after being established submit to the President and the Congress its final report including its findings and recommendations. The Commission shall cease to exist six months after submission of such report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.[46]

(c) Such report shall include the Commission's findings and recommendations with respect to—

(1) the long- and short-term potential of alcohol fuels contributing to domestic energy supply;

(2) the relative costs and benefits of developing alcohol fuels from alternative feedstocks, taking into account technical, economic, legal, competitive, environmental, and social factors associated with their production, distribution, and use; their most appropriate

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[46] Amended by sec. 20(a) of Public Law 96–106, Nov. 9, 1979 (93 Stat. 796).

end uses; and a recommended time frame for their introduction into the Nation's energy mix;

(3) the existing policies and programs of the Federal Government which affect the development of such alternative fuels; and

(4) new policies and programs required to develop alcohol fuels from coal and alcohol and other fuels from the biomass to meet the Nation's projected short-term and long-term energy needs.

(d)(1) The Chairman of the Commission shall request the head of each Federal department or agency which has an interest in or a responsibility with respect to a national alcohol fuels policy to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section. Such departments and agencies shall include, but not be limited to, the Department of Energy, the Department of Agriculture, the Department of Transportation, the Environmental Protection Agency, the Department of the Interior, the Department of Justice, the Department of the Treasury, and the Small Business Administration.

(2) In carrying out its duties the Commission shall seek the advice of various groups interested in a national alcohol fuel policy including, but not limited to, State and local governments, public and private organizations working in the fields of alternative fuel development, industry, labor, and the environment.

(e)(1) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(2) the Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(f)(1) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, per diem in accordance with the rules of the Senate, or subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission, except Members of Congress, shall each receive compensation for such periods of time as they are engaged in the business of the Commission at a rate not in excess of the maximum rate of pay for GS–18 as provided in the General Schedule under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel expenses, per diem in accordance with the

rules of the Senate, or subsistence and other necessary expenses incurred by them in performance of duties while serving as a Commission member.

(g)(1) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall any employee other than the staff director receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(2) The staff director shall be compensated at level II of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(3) The Director and Commission personnel shall be reimbursed for travel, per diem in accordance with the rules of the Senate, or subsistence, and other necessary expenses incurred by them in performance of duties while serving the Commission staff.

(h) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations or consultants, and, if necessary, to transfer funds to and accept funds from Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

(i) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(j) Subject to the provisions of the Federal Advisory Committee Act, the Chairman may appoint advisory committees to aid in the work of the Commission.

(k) The Commission is exempt from the requirements of sections 4301 through 4308 of title 5, United States Code.

(l) There is hereby authorized to be appropriated, to remain available until expended, to the Commission not to exceed $3,000,000 to carry out the purposes of this section.[47]

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[47] Amended by sec. 20(b), Public Law 96–106, Nov. 9, 1979 (93 Stat. 796).

LIMITATIONS

SEC. 171. To the extent that any section of this Act provides new or increased authority to enter into contracts under which outlays will be made from funds other than the Highway Trust Fund, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriations Acts.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1978."

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and $200,000,000 for the fiscal year ending September 30, 1981. [48]

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, and $31,000,000 per fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1986 and September 30, 1986. [49]

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $25,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, and $10,000,000 per fiscal year for each of fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986. [50]

(4) For carrying out in accordance with section 402(c) of title 23, United States Code, section 154 of such title (relating to the national maximum speed limit), other than subsection (i), out of the Highway Trust Fund, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30,

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[48] [49] [50] Amended by section 1109(a), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626-627), and 203(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2138).

1981. For carrying out section 154(i) of such title, out of the Highway Trust Fund, $17,500,000 per fiscal year for each of the fiscal years ending September 30, 1980, and September 30, 1981.[51]

(5) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, and $13,000,000 per fiscal year for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.[52]

(6) For bridge reconstruction and replacement under section 144 of title 23, United States Code, out of Highway Trust Fund, $900,000,000 for the fiscal year ending September 30, 1979, $1,100,000,000 for the fiscal year ending September 30, 1980, $1,300,000,000 for the fiscal year ending September 30, 1981, and $900,000,000 for the fiscal year ending September 30, 1982.

(7) For carrying out section 151 of title 23, United States Code (relating to pavement marking), out of the Highway Trust Fund, $65,000,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981.

(8) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending September 30, 1979, $150,000,000 for the fiscal year ending September 30, 1980, $150,000,000 for the fiscal year ending September 30, 1981, and $200,000,000 for the fiscal year ending September 30, 1982.

(9) For carrying out section 406 of title 23, United States Code (relating to schoolbus driver training), out of the Highway Trust Fund, $2,500,000 per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982 and $1,500,000 for the fiscal year ending September 30, 1983. Section 406 of title 23, United States Code, is repealed effective upon the obligation and expenditure of all funds authorized to carry out such section.[53]

(10) For carrying out section 407 of title 23, United States Code (relating to innovative project grants), out of the Highway Trust Fund, $5,000,000 for the fiscal year ending September 30, 1980, and $10,000,000 for the fiscal year ending September 30, 1981.[54]

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[51] Amended by sec. 1109(a), Public Law 97-35, Aug. 13, 1981 (95 Stat. 626-627).

[52] Amended by sec. 1109(a), Public Law 97-35, Aug. 13, 1981 (95 Stat. 927); and sec. 203(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2138).

[53] [54] Amended by sec. 1109(a), Public Law 97-35, Aug. 13, 1981 (95 Stat. 927).

NATIONAL DRIVER REGISTER STUDY

SEC. 204. The Secretary of Transportation shall make a full and complete investigation and study of the need for, and, if necessary, ways and means to establish, a national driver register to assist States in electronically exchanging information regarding motor vehicle driving records of certain individuals. Such investigation and study shall include, but not be limited to, the information to be placed in the register, the accessibility of such information (including privacy safeguards), the necessary computer-electronic equipment, and means of keeping such register current. The Secretary shall issue a final report to Congress on the results of such investigation and study, together with the recommendations of the Secretary, not later than one year after the date of enactment of this section.

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ACCIDENT DATA

SEC. 206. There is authorized to be appropriated, out of the Highway Trust Fund, to the Secretary of Transportation not to exceed $5,000,000 per fiscal year for the fiscals year ending September 30, 1979, September 30, 1980, September 30, 1981, for the acquisition, storage, and retrieval of highway accident data and for establishing procedures for reporting accidents on a nationwide basis. [55]

HIGHWAY SAFETY PROGRAMS

SEC. 207.

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(b)(2) The amendment made by paragraph (1) of this subsection shall take effect January 1, 1979.

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HIGHWAY SAFETY EDUCATION AND INFORMATION

SEC. 209. (a) The Secretary of Transportation shall carry out six pilot projects designed, through the use of television and radio, to develop and evaluate techniques, methods, and practices to achieve maximum measurable effectiveness in reducing traffic accidents, injuries, and deaths. [56]

(b) Each pilot project authorized by this section shall be in operation not later than the one hundred and eightieth day after the date of the first appropriation of funds made under authority of this section, and shall be conducted for a one-year period. Not later than the ninetieth day after the end of each such one-year period, the Secretary of

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[55] Amended by sec. 1109(c), Public Law 97-35, Aug. 13, 1981 (95 Stat. 627).

[56] Amended by sec. 206, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2139).

Transportation shall report to Congress the results of such project, including, but not limited to, an evaluation of the effectiveness of such project and a statistical analysis of the traffic accidents and fatalities within the project area during such one-year period. [57]

(c) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out subsections (a) and (b) of this section, $6,000,000, to remain available until expended.

(d) Not later than the one hundred and eightieth day after the date of submission of the final report to Congress required by subsection (b) of this section, and utilizing those techniques, methods, and practices determined most effective, the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. [58]

(e) Such campaign is authorized to be conducted in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, and shall utilize to the extent possible nongovernmental professional organizations equipped and experienced to conduct such campaign.

(f) The Secretary of Transportation shall engage such private firms or organizations as he determines necessary to conduct an on-going evaluation of the national campaign authorized by subsection (d) of this section to determine ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to on-going highway safety programing for evaluating the effectiveness of such programs in terms of the number of lives saved and the reduction in injuries, and for the purpose of developing new programs for the promotion of highway safety. Such evaluation shall include determinations of those programs designed to encourage the voluntary use of safety belts which are most effective and shall include recommendations for new methods and approaches which will result in greater voluntary utilization of safety belts by the public. [59]

(g) The Secretary of Transportation shall submit a report to the Congress on July 1 of each year in which the campaign is in progress on the results of such evaluation and on the steps being taken by the Secretary of Transportation to implement the recommendations of such evaluation. [60]

(h) For the purpose of carrying out subsections (d), (e), (f), and (g) of this section, there is authorized to be appropriated out of the Highway Trust Fund, $10,000,000, to remain available until expended.

(i) All provisions of chapter 1 of title 23, United States Code, that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.[61]

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[57] [58] [59] [60] Amended by sec. 206, Public Law 97-424, Jan. 6, 1983 (96 Stat. 2139).

MOTORCYCLE HELMET STUDY

SEC. 210. The Secretary of Transportation shall make a full and complete study of the effect of the provision contained in the eighth sentence of subsection (c) of section 402 of title 23 of the United States Code relating to requirements, or lack thereof, concerning the wearing of safety helmets by operators and passengers on motorcycles. Such investigation and study shall include, but not be limited to, deaths, accidents, severity of injuries, length of time of recuperation, and permanent disabilities. The Secretary shall report the results of such study, together with his recommendations, to Congress not later than one year after the date of enactment of this section.

STUDY OF OUTSIZED VEHICLES

SEC. 211. The Secretary of Transportation shall make a complete study of outsized vehicles for operation on the highways constructed in a manner which exceed the standardized industry configurations. The Secretary shall report the results of his study to Congress, with his recommendations, not later than six months after the date of enactment of this section.

MARIJUANA AND OTHER DRUG REPORT

SEC. 212. The Secretary shall report to Congress not later than December 31, 1979, concerning the progress of efforts to detect and prevent marijuana and other drug use by operators of motor vehicles. Such report shall include, but not be limited to, information concerning the frequency of marijuana and drug use by motor vehicle operators, capabilities of law enforcement officials to detect the use of marijuana and drugs by motor vehicle operators, and a description of Federal and State projects undertaken into methods of detection and prevention. The report shall include the Secretary's recommendations on the need for legislation and specific programs aimed at reducing marijuana and other drug use by motor vehicle operators. For the purpose of this section the term "drug" means a controlled substance within the meaning of section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6)).

SAFETY BELT PROGRAM

SEC. 213. Each State shall expend each fiscal year not less than 2 per centum of the amount apportioned to it for such fiscal year of the sums authorized by section 202(1) of this title, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

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[61] Amended by sec. 206, Public Law 97–424, Jan. 6, 1983 (96 Stat. 2139).

SAFETY BELT STUDY

SEC. 214. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of methods of encouraging the use of safety belts by drivers of, and passengers in, motor vehicles, including, but not limited to, the use of various types of financial incentives and financial disincentives to encourage such use. In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and the Congress not later than one year after the date of enactment of this Act on the results of such study and investigation, together with its recommendations. The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

PROHIBITION

SEC. 215. None of the funds authorized by this title (including any amendment made by this title) shall be expended for the purchase, directly or indirectly, of any passive restraint system for any motor vehicle owned by any State (including a political subdivision of a State) or by the United States, except for a motor vehicle primarily used in an educational program.

* * * * * *

TITLE IV

BUY AMERICA

SEC. 401. Repealed.[62]

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SURFACE TRANSPORTATION ASSISTANCE ACT OF 1978, AMENDMENT

Public Law 96-106, 96th. Congress, H.R. 4249, Nov. 9, 1979

* * * * *

Sec. 5.

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(b) The amendment made by subsection (a) of this section shall apply to all amounts apportioned under section 104(b)(5)(B) of title 23, United States Code, for the fiscal year 1978 and for subsequent fiscal years.

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[62] Repealed by sec. 165(e), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2137).

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Sec. 8.

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(b) Notwithstanding any other provision of law discretionary bridge funds authorized under section 144(g) of title 23, United States Code, for fiscal year 1980 may be transferred to a State's apportionment under section 104(b)(6) of title 23, United States Code, to repay funds obligated under section 104(b)(6) of title 23, United States Code, between June 1 and July 31, 1979, for bridge projects which are eligible for funding by virtue of the amendment in subsection (a) of this section.

* * * * *

TITLE II—AUTHORIZATION OF REPAYMENT

SEC. 201. (a) That the State of Indiana (hereinafter referred to as the "State"), acting by and through the Indiana State Highway Commission, and the Indiana Toll Road Commission (hereinafter referred to as the "commission") shall be free of all restrictions with respect to the issuance of bonds or other obligations constituting a lien against the East-West Toll Road in northern Indiana (Interstate Route 80/90) (hereinafter referred to as the "toll road") or payable out of revenues derived from the toll road and with respect to the imposition, collection, and use of tolls and other charges on the toll road contained in title 23, United States Code, or in any regulation or agreement under such title upon—

(1) repayment to the Treasurer of the United States of the sum of $1,936,894, which is the amount of Federal-aid highway funds received for the construction of the interchanges connecting the toll road with—

(A) Interstate Route 69 in Steuben County, Indiana;

(B) Interstate Route 80 in Lake County, Indiana; and

(C) Interstate Route 65 in Lake County, Indiana; and

(2) issuance of new bonds by the commission at such time and in such principal amount as will provide bond proceeds available for payment of costs of construction and acquisition of right of way not less than the amount required to undertake and complete the required construction and the required acquisition of right of way, as defined in the subparagraphs (D) and (E) of this paragraph, such issuance to be made subject to a trust indenture which will be binding on the commission and will provide—

(A) that the required construction and required acquisition of right of way will be performed and that the funds from the bond proceeds will be allocated sufficient to perform the required construction and the required acquisition of right of way before any other commitment of the bond proceeds (other than the refunding of outstanding bonds and payment of costs of issuance) is made;

(B) that any revenues from the toll road, and any proceeds of the bonds issued in connection with the toll road shall, after payment of the costs of issuance, be used only (i) for payment of the costs, direct and indirect, of the required construction and the required acquisition of right of way; (ii) for the payment of the costs, direct and indirect, of the operation, maintenance, repair, and improvement of the toll road, including the construction of lane additions and the construction or modification of, and acquisition of right of way for interchanges; (iii) for the debt service, payment, and refunding of outstanding bonds, the proceeds of which were used for the construction of the toll road or any improvement thereto or for the refunding of such bonds; and (iv) for the payment to be made under paragraph (1) of this section and for the repayment to the State out of the proceeds of the sale of such new bonds of amounts required to be paid by the commission to the State under the provisions of title 8, article 15, chapter 2, section 20 of the Indiana Code of 1971, as amended to the date of enactment of this Act;

(C) that the commission will promptly commence acquisition of rights of way and preparation of final plans and specifications for the required construction and that it will commence the required construction on or before December 31, 1981, and that the commission will promptly begin acquiring all the required acquisition of right of way and will commence acquiring such rights of way on or before December 31, 1981;

(D) that the term "required construction" shall mean and include the following, all given equal priority:

(i) construction of a new interchange at Indiana State Highway 912 South (Cline Avenue) in Lake County, Indiana, and

(ii) construction of a new interchange at Mishawaka in St. Joseph County, Indiana, between mileposts 080 and 085 of the toll road after consultation with the executive authority of the County of St. Joseph and the executive authority of the city of Mishawaka, Indiana, and

(iii) construction of a new interchange in Elkhart County, Indiana, located between mileposts 095 and 102 of the toll road after consultation with the executive authority of the county of Elkhart, and

(iv) construction of a new interchange at Willowcreek Road in Porter County, Indiana, and

(v) construction of a new interchange at Indiana State Highway 912 North (Cline Avenue) in Lake County, Indiana, and

(vi) construction of a new interchange at Indiana Highway 53 (Broadway) in Lake County, Indiana, and

(vii) completion of construction of a new interchange at United States Highway 31 bypass in St. Joseph County, Indiana, located at milepost 072 of the toll road;

(E) that the term "required acquisition of right of way" shall mean and include the following:

(i) acquisition of right of way at State Road 149 in Porter County, Indiana, sufficient for placement of a future interchange as construction funds (other than proceeds of the bonds issued in connection with the trust indenture provided herein) become available and after consultation with the executive authority of the county of Porter, and

(ii) acquisition of right of way at United States Highway 20 in LaPorte County, Indiana, sufficient for placement of a future interchange as construction funds (other than proceeds of the bonds issued in connection with the trust indenture provided for herein) become available and after consultation with the executive authority of the county of LaPorte.

(b) The amount repaid to the United States under this title shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogramed balance of the Federal-aid highway funds of the same class last apportioned to the State of Indiana. The amount so credited shall be in addition to all other funds then apportioned to the State of Indiana and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

FEDERAL-AID HIGHWAY ACT OF 1981

Public Law 97-134, 97th. Congress, H.R. 3210, Dec. 29, 1981

* * * * *

SEC. 2. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1983, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee'print numbered 97-28 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 3. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1982 shall not exceed $8,000,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 320 of title 23, United States Code, section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(b) For the fiscal year 1982, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1981, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1982, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

* * * * *

SEC. 8. In any case in which the city of Santa Rosa, California, has incurred costs on behalf of the State of California for the acquisition, between the date of enactment of Public Law 94-154 and the date of enactment of the Federal-Aid Highway Act of 1976 (Public Law 94-280), of land which was utilized in a Federal-aid urban system project at an intersection with a segment of the Federal-aid primary system, the Secretary of Transportation is authorized, notwithstanding any other provision of law, to reimburse the State of California from funds apportioned to the State of California under section 104(b)(6) of title 23, United States Code, 75 per centum of such costs.

SEC. 9. (a) The Secretary of Transportation may approve any project for the reconstruction, resurfacing, restoration, or rehabilitation of any bridge on the Interstate System which is both owned by the United States Government and located in two States and the District of Columbia, whenever both such States and the District shall submit to the Secretary for approval appropriate plans, specifications, and estimates for any such project.

(b) The Secretary of Transportation shall prior to approval of such project enter into an agreement with such States and the District for future maintenance and rehabilitation of the bridge.

(c) There is hereby authorized to be appropriated $60,000,000, out of the Highway Trust Fund, to be available until expended, to carry out the provisions of this section. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned for the Interstate System under chapter 1 of title 23, United States Code. The Federal share of the project cost shall be 100 per centum.

(d) In making any revised estimate of the cost completing the Interstate System, which estimate is required by section 104(b)(5)(A) of title 23, United States Code, to be transmitted to the Congress after the date of enactment of this Act, the Secretary of Transportation shall not include any costs for any bridge eligible for approval under subsection (a). The Secretary shall reduce apportionments made under section 104(b)(5) of title 23, United States Code, to such States or District by an amount, if any, equal to amounts apportioned under such section to any such State or District with respect to any such bridge for any fiscal year ending before October 1, 1982. The reduction, if any, made by the preceding sentence for each State or the District shall be made out of apportionments under such section to such State or the District, beginning with the apportionment for the fiscal year ending September 30, 1983, and shall be made, in equal shares, over the number of fiscal years in which apportionments described in the preceding sentence were made.

* * * *

SEC. 13. This Act may be cited as the "Federal-Aid Highway Act of 1981".

FEDERAL-AID HIGHWAY ACT OF 1982

Public Law 97–327, 97th. Congress, S. 2574, Oct. 15, 1982

* * * * *

SEC. 3. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97–53 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 4. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums (multiplied by a factor determined by dividing the maximum number of days in the fiscal year ending September 30, 1983, for which funds are appropriated by Public Law 97–276, by 365 days) are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending September 30, 1983.

(3) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(5) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1983.

(6) For the Great River Road, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.[63]

(b) Repealed.[64]

(c) In the case of priority primary routes, $125,000,000 (multiplied by the factor determined under subsection (a) of this section) of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 (multiplied by such factor) shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such $125,000,000 (multiplied by such factor) shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such $125,000,000 (multiplied by such factor) not obligated by such Secretary on or before the last day of such fiscal year shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment.

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[63] Amended by sec. 105(e), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2100).

[64] Repealed by sec. 103(b), Public Law 97–424, Jan. 6, 1983 (96 Stat. 2098).

SEC. 5. (a) The following sums are hereby authorized to be appropriated:

(1) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, out of the Highway Trust Fund, $900,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

(2) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

HIGHWAY IMPROVEMENT ACT OF 1982

Public Law 97–424, 97th, Cong. Jan. 6, 1983

AN ACT To authorize appropriations for construction of certain highways in accordance with title 23, United States Code, for highway safety, for mass transportation in urban and rural areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Assistance Act of 1982"

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Highway Improvement Act of 1982".

* * * * * *

MINIMUM APPORTIONMENT

SEC. 103. (a) For each of the fiscal years 1984, 1985, 1986, and 1987, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

OBLIGATION CEILING

SEC. 104. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $12,100,000,000 for fiscal year 1983;

(2) $12,750,000,000 for fiscal year 1984;

(3) $13,550,000,000 for fiscal year 1985; and

(4) $14,450,000,000 for fiscal year 1986.

These limitations shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981 or section 118 of the National Visitor Center Facilities Act of 1968. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(b) For each of the fiscal years 1983, 1984, 1985, and 1986, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b) for fiscal year 1983, and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection for such fiscal year.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of the fiscal years 1983, 1984, 1985, and 1986, revise a distribution of the funds made available under subsection (b) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute suffi-

cient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by this Act and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

(e)(1) Section 1106(b) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) Section 1106(c) of the Omnibus Budget Reconciliation Act of 1981 is amended to read as follows:

"(c) For the fiscal year 1982, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.".

(3) Section 1106(d) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "periods" and inserting in lieu thereof "period" and by striking out "and October 1 through December 31, 1982,".

(4) Section 1106(e)(2) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and after August 1, 1983,".

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,850,000,000 (reduced by the amount authorized by the first sentence of section 4(a)(1) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $2,100,000,000 for the fiscal year ending September 30, 1984, $2,300,000,000 for the fiscal year ending September 30, 1985, and $2,450,000,000 for the fiscal year ending September 30, 1986. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $650,000,000 (reduced by the amount authorized by the second sentence of section 4(a)(1) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $650,000,000 for the fiscal year ending September 30, 1984,

$650,000,000 for the fiscal year ending September 30, 1985, and $650,000,000 for the fiscal year ending September 30, 1986.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 (reduced by the amount authorized by section 4(a)(2) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, and $800,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

(3) For Indian reservation roads, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending September 30, 1983, and $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

(4) For the Virgin Islands, all such sums as may be required for the continued presence and operation of the office of the territorial representative of the Federal Highway Administration in St. Thomas, Virgin Islands.

(5) For parkways and park highways, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending September 30, 1983 and $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

(6) For the forest highways, out of the Highway Trust Fund, $50,000,000 (reduced by the amount authorized by section 4(a)(3) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

(7) For public lands highways, out of the Highway Trust Fund, $50,000,000 (reduced by the amount authorized by section 4(a)(4) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

* * * * * *

(c) In the case of fiscal years 1983 and 1984, each State shall, with respect to any Federal funds available to such State for expenditure on the Federal-aid primary system in excess of the amount apportioned to such State under section 104(b)(1) of title 23, United States Code, for such expenditure in fiscal year 1982, give priority consideration to those priority primary routes designated in Committee Print Numbered 97-61 of the Committee on Public Works and Transportation of the House of Representatives.

(d) Of the sums apportioned to each State under subsections (a)(1) and (a)(2) of this section for each fiscal year, beginning with fiscal year 1984, not less than 40 per centum of such program funds shall be expended by such State on projects for resurfacing, restoring, rehabilitating, and reconstructing existing highways unless the State certifies to the Secretary that such percentage of funds is in excess of the resurfacing, restoring, rehabilitating, and reconstructing needs of existing highways in the State and the Secretary accepts such certification. The requirement of the preceding sentence shall apply only to that portion of a State's apportionment not used for reimbursing such State for bond retirement under section 122 of title 23, United States Code, or for advance construction funding under section 115 of title 23, United States Code.

* * * * * *

(f) Except to the extent that the Secretary determines otherwise, not less than 10 per centum of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

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INTERSTATE TRANSFERS

SEC. 107.

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(c)(2) Notwithstanding any other provision of law, with respect to any route or portion thereof on the Interstate System approval of which is or has been withdrawn under section 103(e)(4) of title 23, United States Code, in any case where the sum determined under the second sentence of such section is less than the cost to complete the withdrawn route or portion (in accordance with the design of such route or portion on the date of such withdrawal) as of June 30, 1980, as a result of decreases in construction costs, the sum which shall be available to the Secretary under such sentence shall be an amount equal to such cost of completion as of June 30, 1980.

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FEDERAL-AID PRIMARY FORMULA

SEC. 108. (a) Notwithstanding section 104(b)(1) of title 23, United States Code, and any other provision of law, amounts authorized for fiscal years 1983, 1984, 1985, and 1986 for the Federal-aid primary system (including extensions in urban areas and priority primary routes) shall be apportioned in accordance with this section. The Secretary of Transportation shall determine for each State the higher of (1) the amount which would be apportioned to such State under section 104(b)(1) of title 23, United States Code, and (2) the amount which would be apportioned to such State under the following formula:

One-half in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census and one-half in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

(b) The Secretary of Transportation shall, for each of the fiscal years 1983, 1984, 1985, and 1986, determine the total of the amounts determined for each State under subsection (a) and shall determine the ratio which the total amount authorized for such fiscal year for the Federal-aid primary system bears to the total of such amounts determined under subsection (a) for such fiscal year.

(c) The amount which shall be apportioned to each State for the Federal-aid primary system (including extensions in urban areas and priority primary routes) for each of the fiscal years 1983, 1984, 1985, and 1986 shall be the amount determined for such State under subsection (a), multiplied by the ratio determined under subsection (b).

(d) Notwithstanding any other provision of law, no State shall receive an apportionment under this section for any fiscal year which is less than the lower of (1) the amount which the State would be apportioned for such fiscal year under section 104(b)(1) of title 23, United States Code, and (2) the amount which would be determined under the formula set forth in subsection (a). Notwithstanding any other provision of law, no State shall receive for any such fiscal year less than one-half of 1 per centum of the total apportionment under this section for such fiscal year. For purposes of this paragraph and subsection (b) of section 103 of this title, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered together as one State. The State consisting of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Mariana Islands shall not receive less than one-half of 1 per centum of each year's apportionment. There are authorized to be appropriated such sums as may be necessary out of the Highway Trust Fund to carry out this subsection. Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code.

(e) Amounts apportioned under this section shall be deemed to be amounts apportioned under section 104(b)(1) of title 23, United States Code, for purposes of such title and all other provisions of law. Terms used in this section shall have the same meaning such terms have in chapter 1 of title 23, United States Code.

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RESURFACING STANDARDS

SEC. 110.

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(b) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences (1) to conduct a study of the safety cost-effectiveness of geometric design criteria of standards currently in effect for construction and reconstruction of highways, other than highways access to which is fully controlled, to determine the most appropriate minimum standards to apply to resurfacing, restoration, and rehabilitation projects on such highways, which study shall include a study of the cost effectiveness of the hot dip galvanizing process for the installation, repair, or replacement of exposed structural and miscellaneous steel, and (2) to propose standards to preserve and extend the service life of such highways and enhance highway safety. The National Academy of Sciences shall conduct such study in cooperation with the National Transportation Safety Board, the Congressional Budget Office, and the American Association of State Highway and Transportation Officials. Upon completion of such study, the National Academy of Sciences shall submit such study and its proposed standards to the Secretary of Transportation for review. Within ninety days after submission of such standards to the Secretary of Transportation, the Secretary shall submit such study and the proposed standards of the National Academy of Sciences, together with the recommendations of the Secretary, to Congress for approval.

(c)(1) The Secretary of Transportation is directed to coordinate a study with the National Bureau of Standards, the American Society for Testing and Materials, and other organizations as deemed appropriate, (A) to determine the existing quality of design, construction, products, use, and systems for highways and bridges; (B) to determine the need for uniform standards and criteria for design, processing, products, and applications, including personnel training and implementation of enforcement techniques; and (C) to determine the manpower needs and costs of developing a national system for the evaluation and accreditation of testing and inspection agencies.

(2) The Secretary shall submit such study to the Congress not later than one year after the date of enactment of this section.

VENDING MACHINES

SEC. 111. Notwithstanding section 111 of title 23, United States Code, before October 1, 1983, any State may permit the placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on rights-of-way of the National System of Interstate and Defense Highways in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines under this Section, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines under this section shall not be eligible for Federal assistance under title 23, United States Code.

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INTERSTATE DISCRETIONARY FUNDS

SEC. 115.

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(d) In addition to amounts otherwise available to carry out this section, an amount equal to the amount by which the unobligated apportionment for the Interstate System in any State is reduced under section 103(e)(4) of this title on account of the withdrawal of a route or portion thereof on the Interstate System, which withdrawal is approved after the date of enactment of this subsection, shall be available to the Secretary for obligation in accordance with subsection (b)(2) of this section.

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BRIDGE PROGRAM APPORTIONMENT

SEC. 121.

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(b) The amendment made by subsection (a) of this section shall take effect October 1, 1982, and shall apply with respect to each fiscal year beginning on or after such date. Notwithstanding subsection (e) of section 144 of title 23, United States Code, as soon as practical after the date of enactment of this Act, the Secretary of Transportation shall apportion under such subsection (e), as amended by subsection (a) of this section, sums authorized to be appropriated to carry out such section 144 for the fiscal year ending September 30, 1983.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

SEC. 122.

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(b) Notwithstanding section 144 of title 23, United States Code, and any other provision of law, the Secretary of Transportation may approve under such section 144 (including subsection (g)) a project to relocate and replace (1) any bridge across a river located on a two-lane

Federal-aid highway which is in a slide area, in a flood plain, and in the vicinity of and north of Cloverdale, California, together with (2) all highways and approaches required as a result of such relocation and replacement.

(c) Notwithstanding section 144 of title 23, United States Code, and any other provision of law, the Secretary of Transportation may approve under such section 144 (including subsection (g)) a project to replace the LaSalle Peru Bridge which is part of a complete replacement of United States 51 in a new location.

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PARKING RAMPS AND FRONTAGE ROADS

SEC. 127.

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(b) Notwithstanding the provisions of section 108(b) of the Federal-Aid Highway Act of 1956, as amended, the Secretary of Transportation may approve the expenditure of funds authorized under such section for the construction of a previously approved project which provides for improvements to and reconstruction of ramps and service roads which are being developed as part of a roadway system to relieve a severely congested segment on an Interstate route. Such expenditures shall be limited (1) to work necessary to provide more effective and safe operation of such Interstate route, and (2) to a section of an Interstate route which proceeded to construction contract prior to the date of enactment of such Act and which Interstate route, together with service roads, was constructed without the expenditure of any funds authorized by such section.

PROJECT ELIGIBILITY

SEC. 128. In any case where a project involving a Federal-aid primary route not on the Interstate System, and a route on the Interstate System which was originally constructed without the expenditure of any funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and was subsequently added to the Interstate System, both occupying a common alignment and having elements which have been approved in concept by the Secretary of Transportation as part of a project providing for the upgrading of an interchange on such Interstate route, the cost of improvements in the vicinity of the interchange necessary to upgrade the safety of that part of such Federal-aid primary route not on a common alignment with such Interstate route in an environmentally acceptable manner shall be eligible for the expenditure of funds authorized by such section 108(b).

ACCELERATION OF PROJECTS

SEC. 129. The Secretary of Transportation shall by rule or regulation establish, as soon as practicable, alternative methods for processing projects under title 23, United States Code, so as to reduce the time required from the request for project approval through the completion of construction. In carrying out this section the Secretary shall utilize the knowledge and experience resulting from the demonstration project authorized by and carried out under section 141 of the Federal-Aid Highway Act of 1976.

FOUR-LANE BRIDGES

SEC. 130. Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act, authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.

DEMONSTRATION PROJECTS

SEC. 131. (a)(1) The Secretary of Transportation is authorized to carry out a demonstration project in Los Angeles County, California, for the purpose of demonstrating methods of improving the motor vehicle transportation of freight to and from areas for the transshipment of waterborne commerce.

(2) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $19,000,000 for the fiscal year ending September 30, 1983, not to exceed $19,000,000 for the fiscal year ending September 30, 1984, and not to exceed $20,000,000 for the fiscal year ending September 30, 1985.

(3) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(b)(1) The Secretary of Transportation shall carry out a highway project to demonstrate state of the art technology which can be applied to a section of highway the construction of which will close a gap of not more than 10 miles in a multi-lane limited access approach road through hilly terrain connecting a city (not directly connected to the Interstate System by such an approach road) with a route on such

System on which tolls are charged. For comparison purposes, the highway section shall connect both highway construction using current technology and older completed highway construction. The project shall demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary of Transportation shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(2) Not later than one year, six years and eleven years after the completion of the state of the art technology project, the Secretary of Transportation shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best available technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features.

(3) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $5,000,000 for the fiscal year ending September 30, 1983, $10,000,000 for the fiscal year ending September 30, 1984, and $62,000,000 for the fiscal year ending September 30, 1985. Such funds shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation. The Federal share payable for the state of the art technology project shall be 100 per centum.

(c)(1) The Secretary of Transportation shall conduct a project to demonstrate state of the art methods of repairing damaged highways, and preventing damage to highways, resulting from shoreline erosion. Such project shall be carried out in the vicinity of Buhne Point, Humboldt Bay, California, at a cost not to exceed $9,000,000 for fiscal years beginning after September 30, 1982, out of the Highway Trust Fund.

(2) The Secretary of Transportation may enter with the heads of other departments, agencies, and instrumentalities of the Federal Government into such arrangements as may be necessary to carry out the provisions of this subsection.

(3) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than 180 days after completion of such project.

(4) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall

be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(d)(1) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of East Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion in the immediate vicinity of a partial-diamond, partial-cloverleaf interchange which connects an east-west highway on the Interstate System and a four lane highway not on such system by providing a direct access ramp to, and a travel lane on, the Interstate highway and by eliminating a crossover which is used for access to the Interstate highway.

(2) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $5,000,000 for the fiscal years beginning after September 30, 1982.

(3) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(e)(1) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of Louisville, Kentucky, for the purpose of demonstrating methods of accelerating construction of high traffic sections of highways on the Federal-aid primary system which are directly connected to the Interstate System.

(2) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project carried out under this subsection not later than 180 days after completion of such project.

(3) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $25,000,000 for the fiscal year ending September 30, 1983, and not to exceed $27,000,000 for the fiscal year ending September 30, 1984. Any amount obligated after December 1, 1982, and before the date of enactment of this Act for a project described in paragraph (1) of this subsection from funds apportioned under section 104 of title 23, United States Code, may be deobligated and funds authorized by this subsection may be obligated for such project in place of such deobligated amounts. Any amounts deobligated under the preceding sentence shall be recredited to the State's apportionment from which such amounts were obligated.

(4) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(f)(1) The Secretary of Transportation, in cooperation with the State of Vermont, shall carry out a project to demonstrate the feasibility of reducing the time and the cost required to complete highway projects, other than projects on the Interstate System, in areas that require improved access between rapidly growing suburban areas and established urban core areas, by extending the coverage of State certifications under section 117(a) of title 23 of the United States Code, to any Federal law, regulation, or policy that applies to such projects.

(2) In implementing this subsection, the Secretary shall review applications for projects submitted by the State of Vermont with respect to which the State agrees to assume the responsibility of the Secretary with regard to any such Federal law, regulation, or policy. The Secretary shall be deemed to have fulfilled his responsibility under such law, regulation, or policy, provided that—

(A) the Secretary finds that the State has procedures which are sufficient to assure that the project will be carried out in accordance with the provisions of such law, regulation, or policy;

(B) the State highway department is authorized and consents to accept the jurisdiction of the Federal courts in any suit brought to enforce any such Federal law or regulation; and

(C) the State highway department certifies that the project has been carried out in accordance with the procedures specified under subparagraph (A) of this paragraph.

(3) In carrying out the demonstration project authorized under this subsection, the Secretary may continue to discharge his responsibilities directly with respect to those laws, regulations, and policies for which he finds State procedures are not sufficient.

(4) In implementing this subsection, the Secretary shall consider the procedures developed pursuant to section 141 of the Federal-Aid Highway Act of 1976, as amended, and shall encourage the State to carry out its responsibilities in cooperation with appropriate political subdivisions of the State.

(5) There is authorized to be appropriated out of the Highway Trust Fund to carry out the project authorized under this subsection a sum not to exceed $50,000,000.

(6) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(7) Not later than six months after the completion of such project, the Secretary shall submit a report to Congress which includes, but is not limited to, a description of the methods used to accomplish the project and the changes, if any, required to adopt expanded certification. The report should also contain recommendations for applying the

methods to other highway projects, and any changes to existing law which may be necessary to permit more widespread use of expanded certification acceptance.

(g)(1) The Secretary of Transportation is authorized to carry out demonstration projects in and around Devils Lake, North Dakota, for the purpose of demonstrating construction techniques to prevent wave erosion on closed basin lakes with grade level highway crossings.

(2) The Secretary is authorized to reimburse from funds authorized by paragraph (3) the State of North Dakota for funds previously expended on projects described in paragraph (1).

(3) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out this subsection not to exceed $4,500,000 for the fiscal year ending September 30, 1983.

(4) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall not exceed 75 per centum of the total cost thereof and such fund shall remain available until expended.

(h)(1) The Secretary of Transportation is authorized to carry out a demonstration project on the Federal-aid urban system for the construction of a high level bridge over a high volume intercoastal waterway segment. The project shall demonstrate the reduced congestion resulting in the downtown area from the construction of such bridge which serves a major port. Such project shall be subject to the provisions of chapter 1 of title 23, United States Code, applicable to highway projects on the Federal-aid system.

(2) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $23,000,000 for the fiscal year ending September 30, 1983. Such sums shall remain available until expended.

(3) In carrying out this subsection, the Secretary shall consult with the Secretary of the Army and the Commandant of the Coast Guard concerning permit procedures which will expedite completion of this bridge.

(4) The Secretary shall report to Congress upon completion of this project the results of this demonstration project, together with any recommendations the Secretary deems necessary.

(i)(1) The Secretary of Transportation, in cooperation with the State of Idaho, shall conduct a demonstration project on a primary segment of highway experiencing a high incidence of truck accidents and a project to demonstrate cooperation between two railroads and a small urban area. The highway project shall include an analysis of factors contributing to truck accidents such as weather conditions, sight distance, road curvature, roadway width, and gradient and shall also include an analysis of the benefit-cost ratio of certain safety improvements implemented to correct hazards contributing to truck accidents. The railroad crossing project shall demonstrate the benefits of having no railroad through the center of a small urban community.

(2) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out this subsection not to exceed $8,500,000.

(3) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(4) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than 180 days after completion of such project.

(j)(1) The Secretary of Transportation shall conduct a demonstration project in the State of Illinois for the purpose of demonstrating the benefits of constructing usable segments of high-volume facilities, developing methods to achieve the effective implementation of massive capital investments made under Federal programs being discontinued.

(2) There are authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, $25,000,000 for each fiscal year beginning after September 30, 1982, and ending before October 1, 1986. Such sums shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation. The Federal share of the cost of any project under this subsection shall be 50 per centum of the total cost thereof.

FEDERAL SHARE OF BRIDGE PROJECTS

SEC. 132. Notwithstanding any other provision of law, during the two-year period beginning on the date of enactment of this section, with respect to any project in the State of Tennessee for the replacement or rehabilitation of a bridge which is wholly funded from state and local sources, is eligible for Federal funds under section 144 of title 23, United States Code, is certified by the State to have been carried out in accordance with all standards applicable to such projects under such section 144, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after July 1, 1982, from such State and local sources for such project in excess of 20 per centum of the cost of construction thereof may be credited to the non-Federal share of the cost of other projects in such State which are eligible for Federal funds under such section 144, in accordance with procedures established by the Secretary.

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MARTIN LUTHER KING BRIDGE

SEC. 134. The Martin Luther King Bridge which crosses the Mississippi River between St. Louis, Missouri, and East St. Louis, Illinois, and is not on a Federal-aid system shall be eligible for assistance under section 144 of title 23, United States Code, to the same extent that any other bridge which is not on a Federal-aid system is eligible for assistance under such section, except that no such assistance shall be made available with respect to such bridge until such bridge—

(1) has been transferred to one or both of the States of Missouri and Illinois;

(2) is freed from tolls; and

(3) otherwise meets the eligibility requirements of such section, and the rules and regulations promulgated thereunder.

MANPOWER STUDY

SEC. 135. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences' Transportation Research Board to conduct a comprehensive study and investigation of future transportation professional manpower needs, including but not limited to prevailing methods of recruitment, training, and financial and other incentives and disincentives which encourage or discourage retention in service of such professional manpower by Federal, State, and local governments. In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and the Congress not later than two years after the enactment of this Act on the results of such study and investigation, together with its recommendations. The Secretary shall furnish to the Academy at its request any information which the Academy deems necessary for the purpose of conducting the study and investigation authorized by this section.

FERRYBOAT STUDY

SEC. 136. The Office of Technology Assessment shall conduct a comprehensive investigation and study of the feasibility of a high speed ferryboat operation over the waters of the Caribbean Sea between Saint Croix and Saint Thomas in the Virgin Islands in accordance with this section. The Department of Transportation, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and all other agencies, offices, and instrumentalities of the United States shall assist the Office in conducting an objective investigation and study of such projected operation. The Office shall evaluate this projected operation for its feasibility under various degrees of commercial and government sponsorship. The Office shall complete and transmit a report on such investigation and study to the Congress no later than January 1, 1984.

STUDY OF FACTORS IN APPORTIONMENT FORMULAS

SEC. 137. (a) The Secretary of Transportation shall study and determine the need for including weather-related factors, particularly the effects of freezing and thawing, in the apportionment formulas for Federal-aid highways under section 104 of title 23, United States Code. The Secretary shall report to Congress not later than four months after the date of enactment of this Act on the results of such study and shall include in such report specific recommendations for changing such apportionment formulas to take into account weather-related factors.

(b)(1) The Secretary of Transportation shall make a full and complete study regarding the procedures for distributing Federal financial assistance for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System in order to maintain a high level of transportation service. The study shall analyze current conditions and factors including, but not limited to, volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and other pertinent factors that can be utilized to determine the most equitable and efficient method of apportioning such Federal financial assistance to the several States. In conducting the study the Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution.

(2) In conducting this study the Secretary shall consult with other agencies of the Federal Government, the States and their political subdivisions, and other interested private organizations, groups, and individuals.

(3) The Secretary shall report to Congress not later than four months after the date of enactment of this section the results of such study together with recommendations for necessary legislation.

REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICLES

SEC. 138. (a) Within one year after the date of enactment of this Act, the Secretary of Transportation, after consultation with the transportation officials and Governors of the several States and after an opportunity for public comment, shall submit to Congress a detailed report on the potential benefits and costs, if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a national intercity truck route network for the operation of a special class of longer combination commercial motor vehicles.

(b) For the purposes of this section—

(1) the term "longer combination commercial motor vehicles" means multiple-trailer combinations consisting of (A) truck tractor-semitrailer-full trailer, and (B) truck tractor semitrailer-full trailer-full trailer combinations with an overall length not in excess of one hundred and ten feet; and

(2) the term "national intercity truck route network" means a network consisting of a number of controlled-access, interconnecting segments of the National System of Interstate and Defense Highways and other highways of comparable design and traffic capacity including, but not limited to, all such highways where the operation of longer combination commercial motor vehicles is authorized on the date of enactment of this Act.

(c) The detailed report mandated by this section shall include, but need not be limited to, the following:

(1) a specific plan for the establishment of a national intercity truck route network, including the designation of those specific highway segments which would be required to connect the major distribution centers and markets for long-haul intercity freight service; except that the Secretary of Transportation shall not include in the plan any highway segment which, because of design limitations or other factors, cannot accommodate the safe operation of longer combination commercial motor vehicles;

(2) an analysis of the intercity motor freight volume that reasonably can be anticipated to be transported by longer combination commercial motor vehicles over the national intercity truck route network if such network is established by Congress;

(3) an analysis of the fuel savings that reasonably can be anticipated in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(4) an analysis of the productivity gains that reasonably can be anticipated to be achieved in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(5) an analysis of the fuel conservation and productivity gains historically achieved by operators of longer combination commercial motor vehicles;

(6) an analysis of the safety record of longer combination commercial motor vehicle operations that have been conducted prior to the date of enactment of this Act; and

(7) an analysis of the effect of the size and weight limitations as in effect after the date of enactment of this Act.

(d) In making the findings and determinations required by subsection (c) of this section, and in making the detailed report to Congress required by this section, the Secretary of Transportation shall assume that the longer combination commercial motor vehicles operating on the national intercity truck route network, if and when established by

Congress, would be subject to the single- and tandem-axle weight limits imposed by section 127 of title 23, United States Code. The Secretary of Transportation shall further assume that the overall gross weight of such vehicles on a group of two or more consecutive axles shall be limited by the formula set forth in such section, and only by such formula.

(e) In making the detailed report to Congress required by this section, the Secretary of Transportation shall assume that longer combination commercial motor vehicles operating on the national intercity truck route network will have reasonable access to terminals, combination breakup areas, and food and fuel facilities consistent with safe operations of such vehicles.

(f) Nothing in this section shall be construed to establish Federal policy with regard to highway vehicle weight and size standards, nor shall anything in this section be construed to preempt or to affect any State law establishing highway vehicle weight or size standards. The provisions of this section require an investigation and study on the feasibility and propriety of making changes in vehicle weight and size standards which the Congress may choose to consider in the future.

CHANGE IN LOCATION OF INTERSTATE SEGMENTS

SEC. 139. (a) Notwithstanding the provisions of section 4(b) of the Federal-Aid Highway Act of 1981, the Secretary of Transportation may approve a change in location of any Interstate route or segment and approve, in lieu thereof, the construction of such Interstate route or segment on a new location if the original location of such route or segment meets the following criteria: (1) it has been designated under section 103(e) of title 23, United States Code; (2) it is serving Interstate travel as of the date of enactment of this section; (3) it requires improvements which are eligible under the Federal-Aid Highway Act of 1981, and which would either involve major modifications in order to meet acceptable standards or result in severe environmental impacts and such major modifications or mitigation measures relating to the environmental impacts are not cost effective. The cost of the construction of such Interstate route or segment on new location with funds available under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, shall not exceed the estimated cost of the eligible improvements on the original location as eligible under the Federal-Aid Highway Act of 1981 and included in the 1983 interstate cost estimate as approved by the Congress. Such cost shall be increased or decreased, as determined by the Secretary, based on changes in construction costs of the original location of the route or segment as of the date of approval of each project on the new location. Upon approval of a new location, and funds apportioned under section 104(b)(5)(A) of title 23, United States Code, which were expended on the route or segment in the original location shall be refunded to the Highway Trust Fund and credited to the unobligated balance of the State's apportionment made under section 104(b)(5)(A) of title 23, United States Code, and other eligible Federal-aid highway funds may be substituted in lieu thereof at the appropriate Federal share.

(b) Where the Secretary of Transportation approves a relocation of an Interstate route or segment under the provisions of subsection (a) of this section, such route or segment shall not be eligible for withdrawal under the provisions of section 103(e)(4) of title 23, United States Code, and shall be subject to the Interstate System completion deadlines provided in subsections (d) and (e) of section 107 of the Surface Transportation Assistance Act of 1978 or subject to Interstate System completion deadlines as may be determined by Congress.

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REVISION OF PROJECT AGREEMENT

SEC. 141. Notwithstanding any other provision of law, as a condition of reimbursement of the Federal share of the cost of Federal-aid project 23-D-U-54 (100) in New Jersey, the Secretary of Transportation and the New Jersey Department of Transportation shall revise the project agreement for such project to make available financial assistance not to exceed $1,000,000 for the purpose of compensating businesses in the general vicinity of such project that have suffered monetary losses as a result of the temporary bypass established to accommodate the construction of the project.

INNOVATIVE TECHNOLOGIES

SEC. 142. (a) The Congress hereby finds and declares that it is in the national interest to encourage and promote utilization by the States of highway and bridge surfacing, resurfacing, or restoration materials which are produced from recycled materials or which contain asphalt additives to strengthen the materials. Such materials conserve energy and reduce the cost of resurfacing or restoring our highways.

(b) The Secretary of Transportation is hereby authorized for each of the fiscal years through September 30, 1985, to increase the Federal share as provided in sections 119, 120, and 144 of title 23, United States Code, by 5 per centum of any project submitted by the State highway departments which contains in the plans, specifications, and estimates submitted pursuant to section 106, of title 23, United States Code, the use of the materials described in subsection (a). To be eligible for such supplemental Federal assistance, significant amounts of asphalt additives or recycled materials must be used in each project approved by the Secretary.

(c) The Secretary shall establish a procedure within ninety days of the date of enactment of this Act for increasing the Federal share under this section.

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MONITORING OF EFFECT OF DOUBLE BOTTOM TRUCKS

SEC. 144. (a) The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to monitor the effects on the National System of Interstate and Defense Highways of the use of trucks with two trailing units, in light of the amendments made by this Act providing that no State shall prohibit the use of such vehicle combinations. Such monitoring shall include, but need not be limited to, determining the effects of the use of such vehicle combinations on highways and highway safety in urban and rural areas and in different regions of the country, taking into account differences in age and design features of highways on the Interstate System.

(b) The Secretary of Transportation shall request the National Academy of Sciences to submit a report to the Secretary and the Congress of such monitoring, not later than two years after appropriate arrangements are entered into under subsection (a). The Secretary shall furnish to the Academy, at its request, any information which the Academy deems necessary for the purpose of conducting such monitoring.

TEMPORARY MATCHING FUND WAIVER

SEC. 145. (a) Notwithstanding any other provision of law, the Federal share of any qualifying project approved by the Secretary of Transportation under section 106(a), and of any qualifying project for which the United States becomes obligated to pay under section 117, of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending September 30, 1984, shall be such percentage of the construction cost as the State highway department requests, up to and including 100 per centum.

(b) For purposes of this section, the term "qualifying project" means a project approved by the Secretary of Transportation under section 106(a) of title 23, United States Code, or a project for which the United States becomes obligated to pay under section 117 of title 23, United States Code, for which the Governor of the State submitting the project has certified, in accordance with regulations established by the Secretary of Transportation, that sufficient funds are not available to pay the cost of the non-Federal share of the project.

(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) shall not be greater than the excess of—

(1) the sum of the amount of obligation authority distributed to such State for fiscal year 1983 under section 104(b) of this Act, plus the amount, if any, available to such State under section 150 of this Act, pertaining to minimum allocation, over

(2) the amount of obligation authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.

(d) The total amount of such increases in the Federal share as are made pursuant to subsection (a) for any State shall be repaid to the United States by such State on or before September 30, 1984. Such payments shall be deposited in the Highway Trust Fund and such repaid amounts shall be credited to the appropriate apportionment accounts of such State.

(e) If a State has not made the repayment as required by subsection (d) of this section, the Secretary shall deduct from funds apportioned to such State under section 104(b) of title 23, United States Code, except for paragraph (5)(A), in each of the fiscal years ending September 30, 1985, and September 30, 1986, a pro rata share of each category of such apportioned funds, the total amount of which shall be equal to 50 per centum of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for the fiscal years 1985 and 1986 in accordance with section 104(b)(1) of title 23, United States Code, to those States which have not received a higher Federal share, under this section and to those States which have made the repayment required by subsection (d).

LANE RESTRICTIONS

SEC. 146. The State of California shall not restrict or require the restriction of the use of any lane on any Federal-aid highway in the unincorporated areas of Alameda County, California, to high occupancy vehicles, exclusive of approaches to controlled access highways, toll roads, or bridges.

UPGRADING CERTAIN INTERCHANGES

SEC. 147. Notwithstanding any other provision of law, in the case of any portion of a route on the Interstate System in the State of California which is open to traffic and which has less than two through lanes in either direction in the area where such route connects with a limited access highway on the Federal-aid primary system, a project to improve the portion of the Interstate route to a design of six lanes and to upgrade the interchange between such Interstate route and primary route to accommodate such design shall be eligible for funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, as if the costs of such project were included in the 1981 interstate cost estimate and shall be included as an eligible project in the 1983 interstate cost estimate and any later interstate cost estimate.

* * * * * * *

STUDY OF METHANE CONVERSION FOR HIGHWAY FUEL USE

SEC. 152. The Secretary of Transportation shall study, out of any funds available to the Secretary of Transportation for research purposes, the potential for recovering methane which is released in the process of offshore oil drilling and converting such methane on a floating conversion plant located at the drilling site into methanol for use as a fuel for highway vehicles. Such study shall include, but need not be limited to, a determination of the quality and quantity of the methane which is released at offshore drilling sites at various locations and the costs involved in recovering such methane and converting it in the manner described in the preceding sentence. The Secretary shall also determine the permitting requirements which would apply to such floating conversion plants and the most effective way to implement those permitting requirements. The Secretary shall report to the Congress the results of the study under this section not later than one year after the date of enactment of this Act.

EMERGENCY RELIEF

SEC. 153.

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(b) Notwithstanding any other provision of law, all expenditures made under section 125 of title 23, United States Code, prior to the fiscal year ending September 30, 1978, are authorized to have been appropriated from the Highway Trust Fund.

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(e) The amendments made by subsection (d) of this section shall apply to natural disasters or catastrophic failures which the Secretary finds eligible for emergency relief subsequent to the date of enactment of this section.

* * * * * *

(g) All obligations for projects resulting from a natural disaster or catastrophic failure which the Secretary finds to be eligible for emergency relief subsequent to the date of enactment of this subsection shall provide for the Federal share required by subsection (f) of section 120 of title 23, United States Code, as amended by this section.

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DISCRETIONARY BRIDGE CRITERIA

SEC. 161. The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act, including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144(g) of title 23, United States Code. Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of one hundred or less, based on a scale of zero to infinity. The criteria for such additional bridges which the Secretary shall consider are:

(1) sufficiency rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, USDOT/FHWA (latest edition);

(2) average daily traffic using the most current value from the national bridge inventory data;

(3) average daily truck traffic;

(4) defense highway system status;

(5) the State's unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;

(6) total project cost; and

(7) special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program from a balanced national perspective should also be considered.

WITHDRAWAL AND DESIGNATION OF CERTAIN INTERSTATE ROUTES

SEC. 162. (a) Notwithstanding the first sentence of section 103(e)(4) of title 23, United States Code, the Secretary of Transportation shall, upon application of the State of New Jersey, withdraw under such section 103(e)(4) his approval of the designation on the National System of Interstate and Defense Highways of the portion of Interstate Route 95 and Interstate Route 695 from the intersection with Interstate Route 295 in Hopewell Township, Mercer County, New Jersey, to the proposed intersection with Interstate Route 287 in Franklin Township, Somerset County, New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Transportation is authorized and directed, pursuant to section 103 of such title, to designate as part of the Interstate Highway System the New Jersey Turnpike from exit 10 to the interchange with the Pennsylvania Turnpike and the Pennsylvania Turnpike from such interchange to and including the proposed interchange with Interstate Route 95 in Bucks County, Pennsylvania.

(c) The Secretary of Transportation is further authorized and directed to designate the highways described in subsection (b) as Interstate Route 95 and assure through proper sign designations the orderly connection of Interstate Route 95 pursuant to this section.

USE OF HIGH OCCUPANCY LANES

SEC. 163. Notwithstanding any provision of this Act or any other law, no funds shall be appropriated for the construction or resurfacing of Federal aid highways which have lanes designated as carpool lanes unless the use of such lanes includes use by motorcycles. Upon certification by the State to the Secretary of Transportation, the State may restrict such use by motorcycles if such use would create a safety hazard.

INFRASTRUCTURE STUDY

SEC. 164. (a) The Committee on Public Works and Transportation is authorized to contract for the design and preparation of a National Public Works Inventory and Assessment and a preliminary analysis of relevant, existing data.

(b) The Committee on House Administration shall make available not more than $3,000,000 for the purpose specified in subsection (a).

BUY AMERICA

SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, unless steel, cement, and manufactured products used in such project are produced in the United States.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary finds—

(1) that their application would be inconsistent with the public interest;

(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(3) in the case of the procurement of bus and other rolling stock (including train control, communication, and traction power equipment) under the Urban Mass Transportation Act of 1964, that (A) the cost of components which are produced in the United States is more than 50 per centum of the cost of all components of the vehicle or equipment described in this paragraph, and (B) final

assembly of the vehicle or equipment described in this paragraph has taken place in the United States;

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum in the case of projects for the acquisition of rolling stock, and 25 per centum in the case of all other projects.

(c) For purposes of this section, in calculating components' costs, labor costs involved in final assembly shall not be included in the calculation.

(d) The Secretary of Transportation shall not impose any limitation or condition on assistance provided under this Act, the Urban Mass Transportation Act of 1964, the Surface Transportation Assistance Act of 1978, or title 23, United States Code, which restricts any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with such assistance or restricts any recipient of such assistance from complying with such State imposed requirements.

(e) Section 401 of the Surface Transportation Assistance Act of 1978 is repealed.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1982".

HIGHWAY SAFETY AUTHORIZATIONS

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, out of the Highway Trust Fund, $1,600,000,000 (reduced by the amount authorized by section 5(a)(1) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $1,650,000,000 for the fiscal year ending September 30, 1984, $1,750,000,000 for the fiscal year ending September 30, 1985, $2,050,000,000 for the fiscal year ending September 30, 1986.

(2) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 (reduced by the amount authorized by section 5(a)(2) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $200,000,000 for the fiscal year ending September 30, 1984, $200,000,000 for the fiscal year ending September 30, 1986.

HIGHWAY SAFETY

SEC. 203. (a)(1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.

(2) Out of the funds authorized to be appropriated under paragraph (1) of this subsection for each of the fiscal years ending September 30, 1985, and September 30, 1986, not less than $20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the fifty-five-miles-per-hour speed limit established by section 154 of such title.

(3) Each State shall expend each fiscal year not less than 2 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000, per fiscal year for each of such fiscal years.

* * * * * *

(d) Of the funds authorized to be appropriated by section 202(3) of the Highway Safety Act of 1978 for any fiscal year ending before October 1, 1982, which have not been obligated for expenditure before the date of enactment of this Act, $9,600,000 shall not be available for obligation, and shall no longer be authorized, on and after such date of enactment.

55 M.P.H. BENEFITS STUDY

SEC. 204. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) the benefits, both human and economic, of lowered speeds due to the enactment of the 55 mile per hour National Maximum Speed Limit, with particular attention to savings to the taxpayers, and (2) whether the laws of each State constitute a substantial deterrent to violations of the maximum speed limit on public highways within such State. In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and the Congress not later than twelve months after the date of enactment of this Act on the results of such study and investigation, together with its recommendations. The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

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SAFETY PERFORMANCE REPORTS

SEC. 207. The Secretary of Transportation shall prepare, publish, and submit to Congress not later than December 31 of each calendar year beginning after December 31, 1982, a report on the highway safety performance of each State in the preceding calendar year. Such report shall provide data on highway fatalities and injuries and motor vehicle accidents involving fatalities and injuries and travel in urban areas of each State for each system of highways and in rural areas of such State for each system of highways. Such report shall be in such form and contain such other information on highway accidents as will permit an evaluation and comparison of highway safety performance of the States. For purposes of this section (1) the systems of highways in a State are the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System (as such terms are defined in section 101 of title 23, United States Code) and the other highways in such State which are not on the Federal-aid system, and (2) the terms "State", "rural areas", and "urban area" have the meaning such terms have under such section 101.

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MINIMUM DRINKING AGE

SEC. 209. The Congress strongly encourages each State to prohibit the sale of alcoholic beverages to persons who are less than 21 years of age.

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TITLE IV

PART B—COMMERCIAL MOTOR VEHICLE LENGTH LIMITATION

LENGTH LIMITATIONS ON FEDERALLY ASSISTED HIGHWAYS

SEC. 411. (a) No State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary, pursuant to subsection (e) of this section.

(b) Length limitations established, maintained, or enforced by the States under subsection (a) of this section shall apply solely to the semitrailer or trailer or trailers and not to a truck tractor. No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck-tractor semitrailer or truck tractor semitrailer, trailer combinations. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of existing trailers or semitrailers, of up to twenty-eight and one-half feet in length, in a truck tractor-semitrailer-trailer combination if those trailers or semitrailers were actually and lawfully operating on December 1, 1982, within a sixty-five-foot overall length limit in any State.

(c) No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the National System of Interstate and Defense Highways, and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary pursuant to subsection (e) of this section.

(d) The Secretary is authorized to establish rules to implement the provisions of this section, and to make such determinations as are necessary to accommodate specialized equipment (including, but not limited to, automobile transporters) subject to subsections (a) and (b) of this section.

(e)(1) The Secretary shall designate as qualifying Federal-aid Primary System highways subject to the provisions of subsections (a) and (c) those Primary System highways that are capable of safely accommodating the vehicle lengths set forth therein.

(2) The Secretary shall make an initial determination of which classes of highways shall be designated pursuant to paragraph (1) within 90 days of the date of enactment of this section.

(3) The Secretary shall enact final rules pursuant to paragraph (1) no later than two hundred and seventy days from the date of enactment of this section and may revise such rules from time to time thereafter.

(f) For the purposes of this section, "truck tractor" shall be defined as the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

(g) The provisions of this section shall take effect ninety days after the date of enactment of this title.

(h) The length limitations described in this section shall be exclusive of safety and energy conservation devices, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices, which the Secretary may interpret as necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded under this subsection from the limitations of this section shall have by its design or use the capability to carry cargo.

ACCESS TO THE INTERSTATE SYSTEM

SEC. 412. No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to this title between (1) the Interstate and Defense Highway System and any other qualifying Federal-aid Primary System highways, as designated by the Secretary, and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers.

ENFORCEMENT

SEC. 413. The Secretary, or, on the request of the Secretary, the Attorney General of the United States, is authorized and directed to institute any civil action for injunctive relief as may be appropriate to assure compliance with the provisions of this title. Such action may be instituted in any district court of the United States in any State where such relief is required to assure compliance with the terms of this title. In any action under this section, the court shall, upon a proper showing, issue a temporary restraining order or preliminary or permanent injunction. In any such action, the court may also issue a mandatory injunction commanding any State or person to comply with any applicable provision of this title, or any rule issued under authority of this title.

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 414. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall by regulation—

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

(c) For the purposes of this section, the term—

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICILES

SEC. 415. (a) Within 18 months after the date of enactment of this title, the Secretary, after consultation with the transportation officials and Governors of the several States and after an opportunity for public comment, shall submit to Congress a detailed report on the potential benefits and costs if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a National intercity truck route network for the operation of a special class of longer combination commercial motor vehicles.

(b) For the purposes of this section, the term—

(1) "longer combination commercial motor vehicles" means multiple-trailer combinations consisting of (A) truck tractor-semitrailer-full trailer, and (B) truck tractor-semitrailer-full trailer-full trailer combinations with an overall length not in excess of one hundred and ten feet; and

(2) "national intercity truck route network" means a network consisting of a number of controlled-access, interconnecting segments of the National System of Interstate and Defense Highways and other highways of comparable design and traffic capacity including, but not limited to, all such highways where the operation of longer combination commercial motor vehicles is authorized on the date of enactment of this section.

(c) The detailed report mandated by this section shall include, but need not be limited to, the following—

(1) a specific plan for the establishment of a national intercity truck route network, including the designation of those specific highway segments which would be required to connect the major distribution centers and markets for long-haul intercity freight service, except that the Secretary shall not include in the plan any highway segment which, because of design limitations or other factors, cannot accommodate the safe operation of longer combination commercial motor vehicles;

(2) an analysis of the intercity motor freight volume that reasonably can be anticipated to be transported by longer combination commercial motor vehicles over the national intercity truck route network if such network is established by Congress;

(3) an analysis of the fuel savings that reasonably can be anticipated in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(4) an analysis of the productivity gains that reasonably can be anticipated to be achieved in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(5) an analysis of the fuel conservation and productivity gains historically achieved by operators of longer combination commercial motor vehicles; and

(6) an analysis of the safety record of longer combination commercial motor vehicle operations that have been conducted prior to the date of enactment of this section.

(d) In making the findings and determinations required by subsection (c) of this section, and in making the detailed report to Congress required by this section, the Secretary shall assume that the longer combination commercial motor vehicles operating on the national intercity truck route network, if and when established by Congress, would be subject to the single- and tandem-axle weight limits imposed by section 127 of title 23, United States Code. The Secretary shall further assume that the overall gross weight of such vehicles on a group of two or more consecutive axles shall be limited by the formula set forth in such section, and only by such formula.

(e) In making the detailed report to Congress required by this section, the Secretary shall assume that longer combination commercial motor vehicles operating on the national intercity truck route network will have reasonable access to terminals, combination breakup areas, and food and fuel facilities consistent with safe operations of such vehicles.

COMMERCIAL MOTOR VEHICLE WIDTH LIMITATION

SEC. 416. (a) No State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more; except that a State may continue to enforce any regulation of commerce in effect on April 6, 1983, with respect to motor vehicles that exceed 102 inches in width until the date on which such State adopts a regulation of commerce which complies with the provisions of this subsection.

(b) Notwithstanding the provisions of this section or any other provision of law, certain safety devices which the Secretary of Transportation determines are necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width.

(c) Notwithstanding the provisions of this section or any other provision of law, a State may grant special use permits to motor vehicles that exceed 102 inches in width.

(d) Notwithstanding any other provision of law and in accordance with the provisions of this section, a State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more.

(e) The provisions of this section shall take effect on April 6, 1983. [65]

INTERSTATE SYSTEM APPORTIONMENT FUNDING/ INTERSTATE WITHDRAWAL AMENDMENT

Public Law 96–144, 96th. Congress, H.R. 5871, December 13, 1979

AN ACT To authorize the apportionment of funds for the Interstate System, to amend section 103(e)(4) of title 23, United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation shall apportion for the fiscal year ending September 30, 1981, and the fiscal year ending September 30, 1982, the sums authorized to be appropriated for such fiscal years by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of Committee Print 96–15 of the Committee on Public Works and Transportation of the House of Representatives.

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SEC. 3. Notwithstanding the amendment made to section 103(e)(4) of title 23, United States Code, by the preceding section, in the case where the Secretary has withdrawn his approval of a route or portion thereof on the Interstate System under such section between June 20, 1979, and June 30, 1979, both dates inclusive, the sum available to the Secretary of Transportation to incur obligations for projects substituted for such withdrawn route or portion thereof shall be a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the 1975 Interstate System cost estimate, as approved by Congress, subject to increase or decrease as determined by the Secretary based on changes in the construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under section 103(e)(4) of title 23, United States Code.

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[65] Sec. 416 added by Public Law 98–17, April 5, 1983 (97 Stat. 59).

REPAYMENT FEDERAL-AID HIGHWAY FUNDS

Public Law 94–30, 94th Congress, H.R. 3786, June 4, 1975

AN ACT to authorize the increase of the Federal share of certain projects under title 23, United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That, notwithstanding any other provision of law, the Federal share of any project approved by the Secretary of Transportation under section 106(a), and of any project for which the United States becomes obligated to pay under section 117, of title 23, United States Code, during the period beginning February 12, 1975, and ending September 30, 1975 (both dates inclusive), shall be such percentage of the construction cost as the State highway department requests, up to and including 100 per centum.

SEC. 2. The total amount of such increases in the Federal share as are made pursuant to the first section of this Act for any State shall be repaid to the United States by such State [sic] January 1, 1979, at a rate of 20 per centum by January 1, 1977, 30 per centum by January 1, 1978, and 50 per centum by January 1, 1979. If a State fails to make any repayment in accordance with the preceding sentence, the entire unpaid balance shall immediately become due and payable. Such repayments shall be deposited in the Highway Trust Fund. No project shall be approved under section 106 or section 117 of title 23, United States Code, for any project in any State which has failed to make its repayment in accordance with this section until such repayment has been made.[66]

SEC. 3. Notwithstanding any other provision of law, any money apportioned under section 104(b) of title 23, United States Code, for any one Federal-aid highway system in a State (other than Interstate System) may be used during the period beginning February 12, 1975, and ending September 30, 1975 (both dates inclusive), for any project in that State on any Federal-aid highway system (other than the Interstate System). The Secretary shall deduct from moneys apportioned to a

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[66] Amended by sec. 145 of Public Law 94-280, May 5, 1976 (90 Stat. 446).

State under section 104(b) of title 23, United States Code, after the date of enactment of this section for a Federal-aid highway system on which money has been used under authority of the preceding sentence, an amount equal to the money so used, and the deducted amount shall be repaid and credited to the last apportionment made for the system for which the money so used was originally apportioned. Each deduction made under the preceding sentence shall be at least 50 per centum of the annual apportionment to which the deduction applies until full repayment has been made.

OTHER RELATED LAWS AND MATERIAL

HIGHWAY SAFETY ACT OF 1966

Public Law 89-564, 89th Cong., Sept. 9, 1966, 80 Stat. 731

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SEC. 104. For the purpose of carrying out section 402 of title 23, United States Code, there is hereby authorized to be appropriated the sum of $67,000,000 for the fiscal year ending June 30, 1967; $100,000,000 for the fiscal year ending June 30, 1968; and $100,000,000 for the fiscal year ending June 30, 1969.

SEC. 105. For the purpose of carrying out sections 307(a) and 403 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of $10,000,000 for the fiscal year ending June 30, 1967; $20,000,000 for the fiscal year ending June 30, 1968; and $25,000,000 for the fiscal year ending June 30, 1969.

SEC. 106. All facts contained in any report of any Federal department or agency or any officer, employee, or agent thereof, relating to any highway traffic accident or the investigation thereof conducted pursuant to chapter 4 of title 23 of the United States Code shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident, and any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigation. Any such report shall be made available to the public in a manner which does not identify individuals. All completed reports on research projects, demonstration projects, and other related activities conducted under sections 307 and 403 of title 23, United States Code, shall be made available to the public in a manner which does not identify individuals.

TITLE II—ADMINISTRATION AND REPORTING

SEC. 201. (a) (b) and (c) Repealed. [67]

(d) [68]

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[67] Repealed by sec. 7(b), Public Law 97-449, Jan. 12, 1983 (96 Stat. 2444).

[68] Amended by sec. 8(h) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931); transferred to the Secretary of Transportation by sec. 3(f)(2); and amended by sec. 202(a) of Public Law 91-605, Dec. 31, 1970 (84 Stat. 1713) and repealed by sec. 7(b), Public Law 97-449, Jan 12, 1983 (96 Stat. 2444).

SEC. 202. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on July 1 of each year a comprehensive report on the administration of the Highway Safety Act of 1966 (including chapter 4 of title 23 of the United States Code) for the preceding calendar year. Such report should include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of all safety standards issued or in effect in such year; (3) the scope of observance of applicable Federal standards; (4) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during the year; (5) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (6) an analysis and evaluation of completed research activities and technological progress achieved during such year together with the relevant policy recommendations flowing therefrom; (7) the effectiveness of State highway safety programs (including local highway safety programs) and (8) the extent to which technical information was being disseminated to the scientific community and consumer-oriented material was made available to the motoring public. [69]

(b) The annual report shall also contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of highway safety and to strengthen the national highway safety program.

SEC. 203. The Secretary of Commerce shall report to Congress, not later than July 1, 1967, all standards to be initially applied in carrying out section 402 of title 23 of the United States Code. [70]

SEC. 204. The Secretary of Commerce shall make a thorough and complete study of the relationship between the consumption of alcohol and its effect upon highway safety and drivers of motor vehicles, in consultation with such other government and private agencies as may be necessary. Such study shall cover review and evaluation of State and local laws and enforcement methods and procedures relating to driving under the influence of alcohol, State and local programs for the treatment of alcoholism, and such other aspects of this overall problem as may be useful. The results of this study shall be reported to the Congress by the Secretary on or before July 1, 1967, and shall include recommendations for legislation if warranted. [71]

SEC. 205. The Federal Highway Administrator and any other officer who may subsequent to the date of enactment of this Act become the operating head of the Bureau of Public Roads shall receive compensation at the rate prescribed for level IV of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964.

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[69] Amended by sec. 224 of Public Law 93-87, August 13, 1973 (87 Stat. 292).

[70] [71] Transferred to the Secretary of Transportation by sec. 3(f)(2) of Public Law 89-670, Oct. 15, 1966 (80 Stat. 931).

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SEC. 207. In order to provide the basis for evaluating the continuing programs authorized by this Act, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1969, the Secretary, in cooperation with the Governors or the appropriate State highway safety agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act. The Secretary shall submit such detailed estimate and recommendations for Federal, State, and local matching funds to the Congress not later than January 10, 1968.

SEC. 208. This Act may be cited as the "Highway Safety Act of 1966".

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Public Law 91-190, 91st Cong., Jan. 1, 1970, 83 Stat. 852 (42 U.S.C. 4321-4347)

AN ACT To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

(42 U.S.C. 4321)

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

(42 U.S.C. 4331-4335)

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact of man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical consideration;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council of Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) any [sic] detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

(ii) the responsible Federal official furnishes guidance and participates in such preparation,

(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction. [sic] [72]

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by title II of this Act. [73]

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

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[72] Amended by Public Law 94-83, August 9, 1975 (89 Stat. 424).

[73] Amended by Public Law 94-83, Aug. 9, 1975 (89 Stat. 424) by redesignating existing subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I) respectively.

TITLE II

(42 U.S.C. 4341–4347)

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. These is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. (a) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(b) Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the council.[74]

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and

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[74] Amended by sec. 2 of Public Law 94-52, July 3, 1975 (89 Stat. 258).

private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or * the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the council.[75]

SEC. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.[76]

SEC. 209. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.[77]

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1970

Public Law 91-646, 91st Cong., Jan. 2, 1971, 84 Stat. 1894

AN ACT To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

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* So in original, should be "of".

[75] Added by sec. 3 of Public Law 94-52, July 3, 1975 (89 Stat. 258).

[76] Added by sec. 3 of Public Law 94-52, July 3, 1975 (89 Stat. 258).

[77] Section renumbered by sec. 3 of Public Law 94-52, July 3, 1975 (89 Stat. 258).

TITLE I—GENERAL PROVISIONS

(Secs. 101-219: 42 U.S.C., 4601-4639.)

SEC. 101. As used in this Act—

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

EFFECT UPON PROPERTY ACQUISITION

SEC. 102. (a) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would

have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed $300; and a dislocation allowance of $200.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than $2,500 nor more than $10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a)(1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of $15,000 to any displaced persons who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203(a)(1)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived;

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first $25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIST AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE OF FEDERALLY ASSISTED PROGRAM; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution, the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first $25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purposes of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New

York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202(a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands acquired for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes", approved October 6, 1964 (78 Stat. 1004; Public Law 88–629; D.C. Code 5–729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90–495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

(Secs. 301–305: 42 U.S.C., 4651–4655)

UNIFORM POLICY ON REAL PROPERTY ACQUISITION POLICY

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the

real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b)(1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceedings.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

EMERGENCY HIGHWAY ENERGY CONSERVATION ACT

Public Law 93-239, 93rd Congress, H.R. 11372, January 2, 1974

AN ACT to conserve energy on the Nation's highways.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Emergency Highway Energy Conservation Act".

SEC. 2. Repealed. [78]

SEC. 3. Repealed. [79]

SEC. 4. Section 601(d) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421) is amended to read as follows:

EMERGENCY LOCATOR TRANSMITTERS

(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator transmitters shall be installed—

(A) on any fixed-wing powered civil aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

(B) on any fixed-wing, powered civil aircraft used in air commerce after three years and six months following such date.

(2) The provisions of this subsection shall not apply to:

(A) Turbojet-powered aircraft;

(B) Aircraft while engaged in scheduled flights by scheduled air carriers certificated by the Board;

(C) Aircraft while engaged in training operations conducted entirely within a fifty-mile radius of the airport from which such local flight operations began;

(D) Aircraft while engaged in flight operations incident to design and testing;

(E) New aircraft while engaged in flight operations incident to their manufacture, preparation, and delivery;

(F) Aircraft while engaged in flight operations incident to the aerial application of chemicals and other substances for agricultural purposes;

(G) Aircraft certificated by the Administrator for research and development purposes;

(H) Aircraft while used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

(I) Aircraft equipped to carry not more than one person.

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[78] Repealed by sec. 114(c) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2285).

[79] Amended by sec. 120(a) of Public Law 93-643, Jan. 4, 1975 (88 Stat. 2289); and sec. 143 of Public Law 94-280, May 5, 1976 (90 Stat. 445); and repealed by sec. 126(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2706).

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II

TABLE I.—*Distribution and placement of sections of source law in Title 23, U.S.C.*

Source law	Merged into, amended, or repealed by—	Title 23
Federal-Aid Road Act of July 11, 1916 (39 Stat. 355):		
Sec. 1	Secs. 6 and 9, 1921 Act	
Sec. 2	Sec. 5, 1919 Act; sec 2, 1921 Act.	
Sec. 3	Secs. 21 and 24, 1921 Act	
Sec. 4	Sec. 21, 1921 Act	
Sec. 5	Sec. 22, 1921 Act	
Sec. 6:		
Para. 1	Sec. 11, 1921 Act	121(c)
Para. 2	Sec. 13, 1921 Act	
	Sec. 5, 1919 Act	
	Sec. 12, 1921 Act	
Para. 3	Sec. 13, 1921 Act	
Sec. 7	Sec. 14, 1921 Act	
Sec. 8	Sec. 23, 1921 Act	
Sec. 9		303(b)
Sec. 10	Sec. 18, 1921 Act	
Post Office Appropriation Act of Feb. 28, 1919 (40 Stat. 1200):		
Sec. 5	Sec. 2, 1921 Act	
	Sec. 4. para. 4, 1922 Act	
Sec. 6	Sec. 24, 1921 Act	
Sec. 7	Sec. 5, 1921 Act	
Sec. 8	Sec. 23, 1921 Act	
Federal Highway Act of Nov. 9, 1921 (42 Stat. 212):		
Sec. 2:		
Para. 1	Surplusage	
Para. 2		101(a)
	Sec. 4, Act of May 21, 1928	
Para. 3		302(a), 101(a)
Para. 4		101(a)
Para 5	Sec. 1, 1943 Act	
Para. 6	Sec. 1, 1944 Act	
Para. 7		101(a)
Para. 8		101(a)
Sec. 3:		
Para. 1	Executed	
Para. 2	Sec. 1, Act of June 24, 1930	
	Act of Feb. 20, 1931	
Sec. 4	Budget and Accounting Procedures Act, 1950 (64 Stat. 832).	
Sec. 5	Executed	
Sec. 6:		
Para 1		105(c), 103(b)
Para. 2	Act of Feb. 23, 1931	103(b)
	Act of June 23, 1936	
	Sec. 1(b), 1938 Act	
	Sec. 107, 1956 Act	
Para. 3		121(c)
Para. 5		103(e)
Paras. 4 and 6	Sec. 4, 1944 Act	
Para. 7	Executed	
Para. 8	Sec. 304, 1932 Act	
Sec. 7		110(a)
Sec. 8		109(a)
	Sec. 2, Act of May 21, 1928	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 9:		
Para. 1	Sec. 204(g), National Industrial Recovery Act.	301
Para. 2		109(a)
Sec. 10	Obsolete	
Sec. 11:		
Para. 1		105(a), 106(a), (c), 121(d)
Para. 2		106(a)
	Sec. 4, para. 4, 1922 Act	
	Sec. 1, Act of May 21, 1928	
Sec. 12		112(d), 114(a)
Sec. 13:		
Para. 1		121(b)
Para. 2	Sec. 10, 1958 Act	121(a)
Para. 3		121(e)
Sec. 14	Sec. 6, 1950 Act	
Sec. 15	Executed	
Sec. 16		316
Sec. 17:		
Para. 1		317(a)
Para. 2		317(b)
Para. 3		317 (c), (d)
Sec. 18		315
Sec. 19	Sec. 10, 1934 Act	
Sec. 20	Executed	
Sec. 21:		
Para. 1	Sec. 6, 1948 Act	
Para. 2		104(a)
Para. 3		104(b), (1)
	Sec. 1, 1954 Act	
	Sec. 1, 1938 Act	
	Sec. 4(d), 1944 Act	
Sec. 22		104(e)
Sec. 23:		
(a):		
Para. 1	Sec. 2, 1936 Act	101(a), 202(b)
	Sec. 103(b), 1956 Act	205(a)
Para. 2	Sec. 3(a), 1948 Act	101(a), 204(a)
(b)		204(b), 205(b)
(c)		204(a), 205(a)
(d)		204(c)
	Sec. 3(c), 1948 Act	205(c)
Sec. 24	Sec. 4, para. 5, 1922 Act	
Post Office Appropriation Act of June 19, 1922 (42 Stat. 660):		
Sec. 4:		
Para. 1	Sec. 1, 1925 Act	
Para. 2	Executed	
Para. 3		101(a)
Para. 4	Sec. 4, 1925 Act	
	Sec. 3, Act of Apr. 4, 1930	
Para. 5	Sec. 5, 1925 Act	
Para. 6	Sec. 18, 1954 Act	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Act Extending Federal Aid to Hawaii, Mar. 10, 1924 (43 Stat. 17).	Act of Feb. 23, 1931	101(a), 105(e)
Amendment and Authorization of Feb. 12, 1925 (43 Stat. 889):		
Sec. 1	Sec. 1(b), 1936 Act Sec. 1, 1934 Act	
Sec. 2	Executed	
Sec. 3	do	
Sec. 4	Sec. 5(a), 1944 Act	
Sec. 5	Sec. 3, 1926 Act	
Amendment and Authorization of June 22, 1926 (44 Stat. 760):		
Sec. 1	Executed	
Sec. 2	Sec. 2, 1936 Act	
Sec. 3	Executed	
Federal Aid for Toll Bridges, Mar. 3, 1927 (44 Stat. 1398).		129(a)
Amendment of May 21, 1928 (45 Stat. 683):		
Sec. 1	Unused	
Sec. 2	Sec. 1(c), 1938 Act	
Sec. 3		103(b)
Sec. 4	Sec. 13, 1934 Act	
Authorization of May 26, 1928 (45 Stat. 750).	Executed	
Appropriations for Roads on Indian Reservations Authorized, May 26, 1928 (45 Stat. 750).	Sec. 4(c), 1958 Act	208(c)
Authorization and Amendment of Apr. 4, 1930 (46 Stat. 141):		
Sec. 1	Executed	
Sec. 2	do	
Sec. 3	Sec. 13, 1934 Act	
Authorization for Forest Roads and Amendment of May 5, 1930 (46 Stat. 261): Secs. 1, 2, and 3.	Executed	
Amendment Relative to Construction of Roads through Public Lands and Federal Reservation, June 24, 1930 (46 Stat. 805).	Sec. 7, 1940 Act	209(b), (c), 202(c)
Amendment of Feb. 20, 1931 (46 Stat. 1173).	Sec. 8, 1950 Act	
Amendment of Feb. 23, 1931, Pertaining to Hawaii (46 Stat. 1415).		103 (b), (g)
Emergency Relief and Construction Act of 1932, July 21, 1932 (47 Stat. 709): Sec. 304.		103(b)
National Industrial Recovery Act, June 16, 1933 (48 Stat. 204): Sec. 204(g).		129(b)
Hayden-Cartwright Act, June 18, 1934 (48 Stat. 993):		
Sec. 1	Secs. 1(b) and 7, 1936 Act	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 2	Executed	
Sec. 3	Sec. 4, 1938 Act	
Sec. 4:		
Para. 1	Executed	
Para. 2	Sec. 1(a), 1936 Act	
Sec. 5	Executed	
Sec. 6	do	
Sec. 7	do	
Sec. 8	do	
Sec. 9	Sec. 1(c), 1936 Act	
Sec. 10	Act of Aug. 7, 1946 (60 Stat. 866).	
	Act of Aug. 30, 1954 (68 Stat. 966).	
Sec. 11	Sec. 9, 1936 Act	
Sec. 12	Sec. 16, 1940 Act	126(a), (b)
Sec. 13	Executed	
Sec. 14	do	
Sec. 15	do	
Authorization and Amendment of June 16, 1936 (49 Stat. 1519):		
Sec. 1:		
(a)	Sec. 1(a), 1938 Act	
(b)		104(b), 105,(a), 118(a), 106(a) 114(a), 118(c)
	Sec. 2, 1944 Act	
(c)		101(a)
(d)	Executed	
Sec. 2	Sec. 6, 1940 Act	
	Sec. 3, 1948 Act	
Sec. 3	Executed	
Sec. 4	do	
Sec. 5	Sec. 8, 1938 Act	
Sec. 6	Sec. 10, 1940 Act	
Sec. 7	Sec. 2, 1938 Act	
Sec. 8		109(e)
	Sec. 3, 1938 Act	
Sec. 9	Sec. 10, 1938 Act	
Sec. 10	Act of Oct. 9, 1940	
	Sec. 2, Act of June 30, 1947	
Act Extending Federal Aid to Puerto Rico, June 23, 1936 (49 Stat. 1891).		103(b), 101(a)
The Federal-Aid Highway Act of 1938, June 8, 1938 (52 Stat. 633):		
Sec. 1:		
(a)	Sec. 4(d), 1944 Act	
(b)		103(b), 101(a)
(c)	Sec. 11, 1940 Act	
(d)	Executed	
(e)		101(a)
Sec. 2	Sec. 2, 1940 Act	
Sec. 3	Sec. 5, 1940 Act	
Sec. 4	Sec. 7, 1943 Act	
Sec. 5	Sec. 6, 1940 Act	
Sec. 6	Executed	
Sec. 7	do	
Sec. 8	Sec. 9, 1940 Act	
Sec. 9	Executed	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 10	Sec. 2, Act of July 19, 1939	
Sec. 11	Sec. 16, 1940 Act	
Sec. 12		109(a), 112(a)
Sec. 13	Executed	
Aid in Freeing Toll Bridges in Federal-Aid System, July 19, 1939 (53 Stat. 1066):		
Sec. 1	Sec. 8, Act of July 13, 1943	
Sec. 2	Sec. 8, 1944 Act	
Reorganization Plan No. 1, 1939 (53 Stat. 1426).	Sec. 301(a)	303(a)
Federal Highway Act of 1940, Sept. 5, 1940 (54 Stat. 867):		
Sec. 1	Executed	
Sec. 2	Sec. 3(b), 1944 Act	
Sec. 3	Executed	
Sec. 4	do	
Sec. 5	Sec. 5(b), 1944 Act	
Sec. 6	Sec. 3(a), 1948 Act Sec. 9, 1944 Act	
Sec. 7	Sec. 10, 1950 Act	
Sec. 8	Sec. 4(a), 1950 Act	
Sec. 9	 Sec. 4(b), 1950 Act	207(c)
Sec. 10	Sec. 10(c), 1944 Act	
Sec. 11		319
Sec. 12	(a) Executed (b) Executed	
Sec. 13	Temporary Defense Measure—cf. sec. 8, 1941 Act.	
Sec. 14	Sec. 10, 1954 Act	
Sec. 15	Ex. O. 9804, etc	
Sec. 16		126(b)
Sec. 17	Executed	
Sec. 18		311
Sec. 19		105(d)
Defense Highway Act of 1941, Nov. 19, 1941 (55 Stat. 765):		
Sec. 1	Obsolete—cf. sec. 7, 1944 Act	
Sec. 2	do	
Sec. 3	do	
Sec. 4	Executed	
Sec. 5	Sec. 2, 1943 Act	
Sec. 6	 Sec. 12, 1950 Act	210 (a), (b)
Sec. 7	Sec. 6, 1944 Act	
Sec. 8	Temporary War Measure	
Sec. 9	Obsolete—cf. sec. 7, 1944 Act	
Sec. 10	Sec. 6, 1943 Act	
Sec. 11	Obsolete—cf. secs. 1, 2, 3, and 9, 1944 Act.	
Sec. 12	do	
Sec. 13	Sec. 5, 1944 Act	
Sec. 14		210(e)
Sec. 15		308(a)
Sec. 16	Sec. 21(b)(6), Act of July 7, 1958.	315
Sec. 17		312
Act of Dec. 26, 1941 (55 Stat. 860):		
Sec. 2		212(b)

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 3		212(c)
Amendment of July 2, 1942 (56 Stat. 562):		
Sec. 1:		
(a)	Executed	
(b)		210(a)
(c)	Executed	
(d)	do	
Sec. 2	Obsolete—cf. secs. 1, 2, 3, 9a, 11, and 12, 1941 Act.	
Act of July 22, 1942 (56 Stat. 682).		205(a)
Amendment of July 13, 1943 (57 Stat. 560):		
Sec. 1	Sec. 1, 1944 Act	
Sec. 2	Executed	
Sec. 3	do	
Sec. 4	do	
Sec. 5	do	
Sec. 6	do	
Sec. 7:		
(a)	Sec. 9, 1950 Act	
(b)	Executed	
Sec. 8	Act of July 31, 1945	
Sec. 9	Executed	
Amendment of Apr. 4, 1944 (58 Stat. 189).	do	
Federal-Aid Highway Act of 1944, Dec. 20, 1944 (58 Stat. 838):		
Sec. 1:		
Para. 1		101(a)
Para. 2		101(a)
Para. 3		101(a)
Para. 4		103(c)
Sec. 2		110(a), 106(a) 118(a), 109(f)
Sec. 3:		
(a)	Executed	
(b)		103(c), 104(d)
(c)	Executed	
Sec. 4:		
(a)	do	
(b)	Sec. 1, 1950	104(a)(2)
(c)		104(b)(3)
(d)	Act of June 21, 1947 Sec. 1, para. 4, 1948	
Sec. 5:		
(a)	Sec. 7, 1950 Act	120(a), (d) 130(a)
(b)		130(b), (c)
Sec. 6	Sec. 110(b), 1956 Act	
Sec. 7		103(d)
Sec. 8		307(c)
Sec. 9	Executed in part Canceled in part sec. 3(b), 1948 Act.	
Sec. 10:		
(a)	Executed	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
(b)	do	
(c)	Sec. 4(c), 1948	
Sec. 11		318
Sec. 12		109(d)
Amendment of July 31, 1945 (59 Stat. 507).	Obsolete	
Act Relating to Design of Dams for Bridge Foundations, July 29, 1946 (60 Stat. 709):		
Sec. 1		320(a)
Sec. 2		320(b)
Sec. 3		320(c)
Sec. 4		320(d)
Sec. 5		320(e)
Sec. 6		320(f)
Amendment of June 21, 1947 (61 Stat. 136).	Sec. 1, 1948 Act	
The Federal-Aid Highway Act of 1948, June 29, 1948 (62 Stat. 1105):		
Sec. 1:		
Para. 1	Executed	
Para. 2		103(c)
Para. 3	Sec. 1, para. 3, 1950 Act	
Para. 4	Sec. 1, para. 4, 1950 Act	
Sec. 2	Executed	
Sec. 3:		
(a)	Sec. 3, 1950 Act	204(e)
(b)	Executed	
(c)		205(c)
Sec. 4:		
(a)	Executed	
(b)	do	
(c)	Sec. 4(c), 1950 Act	
Sec. 5	Executed	
Sec. 6		104(a)
Reorganization Plan No. 7 of 1949, June 20, 1949 (63 Stat. 1070).		303(a)
Reorganization Plan No. 5 of 1950, March 13, 1950 (64 Stat. 1263).		303(a)
The Federal-Aid Highway Act of 1950, Sept. 7, 1950 (64 Stat. 785):		
Sec. 1:		
Para. 1	Executed	
Para. 2		103(c), 109(c), 105(b), 106(b)
Para. 3		104(b)(2)
Para. 4	Sec. 1, 1952 Act	
Sec. 2		302 (a), (b), 101(a)
Sec. 3		202(a), 204(d)
	Sec. 6, 1954 Act	
	Sec. 106, 1956 Act	
	Sec. 6, 1958 Act	
Sec. 4:		
(a)		206(b)
(b)		207(b)
(c)	Sec. 4(c), 1952 Act	
Sec. 5		122

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 6		116(a), (b), (c)
Sec. 7		120(a)
Sec. 8		120(g)
Sec. 9	Act of Oct. 15, 1951	
	Sec. 7, 1952 Act	
Sec. 10		202(c)
Sec. 11		212(a)
Sec. 12	Act of Oct. 16, 1951	
	Sec. 10, 1952 Act	210(a), (c)
Sec. 13	Sec. 116(c), 1956 Act	
Sec. 14	Sec. 9, 1952 Act	313
Sec. 15	Executed	
Sec. 16	Sec. 1, Act of Aug. 3, 1956	
Act of Oct. 15, 1951 (65 Stat. 421).	Sec. 7, 1952 Act	
Act of Oct. 16, 1951 (65 Stat. 422).		210(c)
The Federal-Aid Highway Act of 1952, June 25, 1952 (66 Stat. 158):		
Sec. 1:		
Para. 1		
Para. 2		
Para. 3	Sec. 1, para. 3, 1954 Act	
Para. 4	Sec. 1, para. 4, 1954 Act	
Sec. 2	Sec. 2, 1954 Act	
Sec. 3	Sec. 3, 1954 Act	
Sec. 4:		
(a)		
(b)		
(c)	Sec. 4(c), 1954 Act	
Sec. 5:		
(a)	Sec. 8, 1954 Act	213(a)
(b)		213(b)
Sec. 6	Sec. 7, 1954 Act	
Sec. 7	Sec. 118, 1956 Act	
Sec. 8		
Sec. 9		313
Sec. 10		210(d), 211
The Federal-Aid Highway Act of 1954, May 6, 1954 (68 Stat. 70):		
Sec. 1:		
Para. 1		
Para. 2		
Para. 3	Sec. 102(a)(2), 1956 Act	
Para. 4	Sec. 102(b), 1956 Act	118(b)
Sec. 2:		
(a)	Sec. 108(c), 1956 Act	104(b)(4), 120(b)
(b)	Sec. 108(f), 1956 Act	118(b)
(c)	Sec. 108(g), 1956 Act	118(b)
Sec. 3		205(a), 211
	Sec. 103(a), 1956 Act	
Sec. 4:		
(a)		
(b)		
(c)		
	Sec. 104(c), 1956 Act	
Sec. 5		
Sec. 6	Sec. 106, 1956 Act	
Sec. 7		212(a)
Sec. 8		213(c)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 9		310
Sec. 10:		
(a)		307(a)
(b)		307(b)
Sec. 11	Executed	
Sec. 12	do	
Sec. 13	do	
Sec. 14	Sec. 129(a), 1973 Highway Act	
Sec. 15		101(a)
Sec. 16		103(c)
Sec. 17:		
(a)		112(b)
(b)		112(c)
Sec. 18	18 U.S.C. 1020	
Sec. 19	Surplusage	
Sec. 20	do	
Sec. 21	do	
Sec. 22		
Act of June 20, 1956 (70 Stat. 320).		114(b), 303 (b), (c), 308 (a), (b), 309, 314
The Federal-Aid Highway Act of 1956, June 29, 1956 (70 Stat. 374):		
Sec. 102:		
(a):		
(1)		
(2)	Sec. (a)(2), 1958 Act	
(b)		118(b), 117(a), 117(b)
	Sec. 1(b), 1958 Act	117(c)
(c)		104(c)
Sec. 103:		
(a)		204(f)
	Sec. 3(a), 1958 Act	205(d)
(b)		202(b)
Sec. 104:		
(a)		
	Sec. 4(a), 1958 Act	206(a)
(b)		
	Sec. 4(b), 1958 Act	207(a)
(c)		208(a)
	Sec. 4(c), 1958 Act	208(b)
Sec. 105		
	Sec. 5, 1958 Act	209(a)
Sec. 106		203
	Sec. 6, 1958 Act	
Sec. 107:		
(a)		119(a), 104(b)(1) 120(h), 103(f) 116(d)
(b)	Sec. 21(d)(5), 73 Stat. 141, Public Law 86-70.	119(a)
(c)		
(d)	Sec. 21(d)(5), 73 Stat. 141, Public Law 86-70.	
(e)		119(b)
Sec. 108:		
(a)		101(b)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
(b)	Sec. 7(a), 1958 Act; sec. 102, 1959 Act; sec. 103, 1961 Act; sec. 1, 1965 Act; sec. 2, 1968 Act; sec. 102, 1970 Highway Act; sec. 102, 1973 Highway Act sec. 102, 1976 Highway Act; and sec. 102, Surface Transportation Assistance Act of 1978; sec. 4, 1981 Highway Act, sec. 2, 1982 Highway Act; and sec. 102, Surface Transportation Assistance Act of 1982.	
(c)	Sec. 7(b), 1958 Act	104(b)(4)
(d)	Sec. 2, Sept. 2, 1958 (72 Stat. 1725).	104(b)(5)
(e)		120(c)
(f)		118(c)
(g)		118(c)
(h)		115(a), (b)
(i)		109(b)
(j)		127
(k)		
(l)		103(d), 104(b)(5)
Sec. 109:		
(a)		107(a)
(b)		107(b)
(c)		107(c)
(d)		107(d)
Sec. 110:		
(a)		108(a), (b)
(b)		124
Sec. 111:		
(a)	Sec. 11, 1958 Act	123(a)
(b)		123(b)
(c)		123(c)
Sec. 112		111
Sec. 113:		
(a)		129(b)
(b)		129(c)
(c)		129(d)
(d)		129(d)
Sec. 114		
Sec. 115:		
(a)		113(a)
(b)		113(b)
Sec. 116:		
(a)		101(b)
(b)		101(b)
(c)		128(a)
	Sec. 13, 1958 Act	128(b)
(d)		304
Sec. 117		
Sec. 118		125, 120(f)
Sec. 119		101(a)
Sec. 120		305
Sec. 121		306
Sec. 122	Sec. 12, 1958 Act	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
The Act Creating a Federal Highway Administrator, Aug. 3, 1956 (70 Stat. 990):		
Sec. 1	Sec. 7(b), Public Law 97–449, Jan. 12, 1983.	303(a)
Sec. 2	Sec. 7(b), Public Law 97–449, Jan. 12, 1983.	303(a)
Sec. 3		303(a)
The Federal-Aid Highway Act of 1958, Apr. 16, 1958 (72 Stat. 89):		
Sec. 1:		
(a)		
(1)		
(2)		
(b)		118(b), 117(a), (b), (c)
Sec. 2		
Sec. 3:		
(a)		211,204(f), 205(d), 202(a)
(b)		
Sec. 4:		
(a)		206(a)
(b)		207(a)
(c)		208(a), (b)
Sec. 5		209(a)
Sec. 6		203
Sec. 7		
Sec. 8	Sec. 103, 1959 Act	
Sec. 9		
Sec. 10		121(a)
Sec. 11		123(a)
Sec. 12:		
(a)		131(a)
(b)		131(b)
(c)		131(c)
(d)		131(d)
(e)		131(e)
Sec. 13		128(a)
Act of Sept. 2, 1958 (72 Stat. 1725):		
Sec. 1	Sec. 8, 1958 Act	
Sec. 2	Sec. 108(d), 1956 Act	
Act of May 29, 1959 (73 Stat. 62).		108(a)
Alaska Omnibus Act, June 25, 1959 (73 Stat. 141): Sec. 21		
(d):		
(1)		103(f)
(2)		116(d)
(3)		119
(4)		120(h)
(e):		
(1)		101(a)
(2)		104(b)
(3)		116(a)
(4)		120(a)
The Federal-Highway Act of 1959, Sept. 21, 1959 (73 Stat. 611):		
Sec. 101		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 102		
Sec. 103		
Sec. 104		
Sec. 105		
Sec. 106		131(b)
Sec. 107:		
(a)		125
(b)		120(f)
Sec. 108		320(d)
Hawaii Omnibus Act, July 12, 1960 (74 Stat. 411): Sec. 17:		
(a)		101(a)
(b)		103(g), 105(e)
(c)		103(d)
(e)		127
Federal Highway Act of 1960, July 14, 1960 (74 Stat. 522):		
Sec. 1		
Sec. 2:		
(1):		
(A)		
(B)		
(C)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
Sec. 3		120(a)
Sec. 4:		
(a)		132
(b)		132
Sec. 5:		
(a)		129(e)
(b)		129
Sec. 6:		
(a)		
(b)		
Sec. 7		
Sec. 8:		
(a)		129(c)
(b)		203
(c)		205(a)
(d)		210
(e)		305
(f)		114(a)
(g)		104(b)(5)
Federal-Aid Highway Act of 1961, June 29, 1961 (75 Stat. 122):		
Sec. 102		104(b)(5)
Sec. 103	Sec. 108(b), 1956 Act	
Sec. 104		111
Sec. 105		210(h)
Sec. 106		131(c)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Act of Sept. 22, 1961 (75 Stat. 584)		208(d)
Act of Oct. 4, 1961 (75 Stat. 822)		303(a)
Federal-Aid Highway Act of 1962, Oct. 23, 1962 (76 Stat. 1145):		
Sec. 4	Sec. 144, 1973 Highway Act	212(a)(5)
Sec. 5		133
Sec. 6		101(a), 214
Sec. 7		203
Sec. 8		103(c)
Sec. 9		134
Sec. 10		104(b)(1)
Sec. 11		307(c)
Federal-Aid Highway Amendments Act of 1963, Oct. 24, 1963 (77 Stat. 276):		
Sec. 2		104(b)(3)
Sec. 3		104(b)(5)
Sec. 4		109(b)
Sec. 5		131(c)
Sec. 6		307(c)(1)
Sec. 7		106(c), 121(d)
Federal-Aid Highway Act of 1964, Aug. 13, 1964 (78 Stat. 397):		
Sec. 3		101(b)
Sec. 4(a)		104(b)(5)
Sec. 4(b)		209(d)
Sec. 4(c)		320(b)
Sec. 4(d)		205(a)
Government Employees Salary Reform Act of 1964, Aug. 14, 1964 (78 Stat. 400), Title III, Sec. 305(24).		303(a)
Act of Oct. 13, 1964 (78 Stat. 1090).		120(f)
"Act of Oct. 13, 1964 (78 Stat. 1092)."	Sec. 14, 1954 Act	
Federal-Aid Highway Act of 1956; amendment, Aug. 28, 1965 (79 Stat. 578):		
Sec. 1	Sec. 108(b), 1956 Act	
Sec. 2		
Sec. 3		
Sec. 4		135
Highway Beautification Act of 1965, Oct. 22, 1965 (79 Stat. 1028):		
Sec. 101		131
Sec. 201		136
Sec. 301		319
Highway Safety Act of 1966, Sept. 9, 1966 (80 Stat. 731):		
Sec. 101		Ch. 4 (secs. 401-404)
Sec. 102		135-313
Sec. 103		307(a), (d)
Sec. 201	Sec. 202(a), 1970 Act	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
	Repealed by sec. 7(b), Public Law 97-449, Jan. 12, 1983.	
Sec. 202(a)	Sec. 224, 1973 Highway Act	
Sec. 206		105(e)
Federal-Aid Highway Act of 1966, Sept. 13, 1966 (80 Stat. 766):		
Sec. 2	Sec. 108(b), 1956 Act	
Sec. 3		
Sec. 4(a)		101(b)
Sec. 4(b)		104(b)(5)
Sec. 5(a)		109(b)
Sec. 5(b)		
Sec. 6		
Sec. 7(a)		118(d)
Sec. 7(b)	Sec. 138(a), 1970 Act Sec. 130, 1973 Highway Act	
Sec. 8(a)		131(m), 136(m)
Sec. 8(b)		319(b)
Sec. 8(c)		137(m)
Sec. 9(a)		120(f)
Sec. 9(b)		125(c)
Sec. 9(c)		125(a)
Sec. 10		
Sec. 11		302(a)
Sec. 12		
Sec. 13		
Sec. 14		109(g)
Sec. 15		138
Department of Transportation Act, Oct. 15, 1966 (80 Stat. 931):		
Sec. 3(f)(1)	National Traffic and Motor Vehicle Safety Act of 1966.	
Sec. 3(f)(2)	Highway Safety Act of 1966	
Sec. 3(f)(3)	National Traffic and Motor Vehicle Safety Act of 1966, sec. 201.	
Sec. 3(f)(4)	Sec. 7(b), Public Law 97-449, Jan. 12, 1983.	303
Sec. 6(a)(1)	Repeals subsections 6(a)(1) (B) (C), (E)-(M) by sec. 7(b), Public Law 97-449, Jan. 12, 1983. Act of July 14, 1960 (74 Stat. 670).	All of Title 23 U.S.C.
Act of Nov. 24, 1967 (81 Stat. 507).		404(a)(1), (2)(A)
Act of Jan. 2, 1968 (81 Stat. 772)		103(d)
Federal-Aid Highway Act of 1968, Aug. 23, 1968 (82 Stat. 815):		
Sec. 2	Sec. 108(b), 1956 Act	
Sec. 3		
Sec. 4(a)		101(b)
Sec. 4(b)		104(b)(5)
Sec. 5	Sec. 202(f)(5), 1970 Act repealed sec. 5(10).	
Sec. 6(a)		131(d)
Sec. 6(b)		131(j)
Sec. 6(c)		131(m)
Sec. 6(d)		131(n)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 6(e)		136(m)
Sec. 6(f)		319(b)
Sec. 6(g)		
Sec. 7(a)		108(b)
Sec. 7(b)		108(c)
Sec. 7(c)–(e)		
Sec. 8		101(a)
Sec. 9		205(c)
Sec. 10	Sec. 123(a), 1976 Highway Act	135
Sec. 11	Sec. 134(c) 1970 Highway Act	
Sec. 12		113
Sec. 13		402(c)
Sec. 14(a)		103(d)(1)
Sec. 14(b)		103(d)(3)
Sec. 15		101(c), (d)
Sec. 16		139
Sec. 17	See sec. 3, 1965 Act	
Sec. 18(a)		138
Sec. 18(b)	Department of Transportation Act, sec. 4(f).	
Sec. 19		
Sec. 20		
Sec. 21		103(d)(2)
Sec. 22(a) and (b)		140
Sec. 22(c)		112(b)
Sec. 23		
Sec. 24		128(a)
Sec. 25 (a) and (c)		115(a)
Sec. 25(b)		115(b)
Sec. 26		116 (d) and (e)
Sec. 27(a)		125
Sec. 27(b)		120(f)
Sec. 27(c)		
Sec. 28		129(b)
Sec. 29		
Sec. 30	Repealed by sec. 220, Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894).	
Sec. 31	Sec. 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)).	
Sec. 32	Repealed by sec. 220, Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894).	
Sec. 33	Repealed by sec. 220, Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894).	
Sec. 34		120(a)
Sec. 35	Repealed by sec. 220, Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894).	141
Sec. 36		
Sec. 37	Sec. 120, 1970 Act	
Federal-Aid Highway Act of 1970, Dec. 31, 1970 (84 Stat. 1713):		
Sec. 102	Sec. 108(b), 1956 Act	
Sec. 103		
Sec. 104(a)		101(b)
Sec. 104(b)		104(b)(5)
Sec. 105		
Sec. 106(a)		101(a)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 106(b)		103(a),(d),(e) and (f)
Sec. 106(c)		104(b)(6) and (f)
Sec. 106(d)		105(d), (e) and (f)
Sec. 106(e)		106(b)
Sec. 106(f)		120(a)
Sec. 106(g)		135(b)
Sec. 107		101 (c) and (d)
Sec. 108		120
Sec. 109(a)		125(a)
Sec. 109(b)		120(f)
Sec. 110		140
Sec. 111	Sec. 121, 1973 Highway Act	142
Sec. 112		215
Sec. 113		216
Sec. 114(a)		303(a)
Sec. 115(a) and (b)		321
Sec. 115(c)		307(a)
Sec. 116(a)		320(d)
Sec. 116(b)		
Sec. 117	Repealed by sec. 220, Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894).	
Sec. 118		
Sec. 119		
Sec. 120	Sec. 37, 1968 Highway Act	
Sec. 121		
Sec. 122(a)		131(m)
Sec. 122(b)		136(m)
Sec. 123		
Sec. 124		103(g)
Sec. 125		135(b)
Sec. 126		307(c)(3)
Sec. 127		143
Sec. 128		120(h)
Sec. 129		
Sec. 130		101(a)
Sec. 131		
Sec. 132		105(g)
Sec. 133		129(e) and (f)
Sec. 134		137
Sec. 135		128
Sec. 136(a)		109(g)
Sec. 136(b)		109(h), (i) and (j)
Sec. 136(c)		307(b)
Sec. 137	Repealed by sec. 220, Public Law 91-646, Jan. 2, 1971 (84 Stat. 1894).	506(b) and (c)
Sec. 138	Sec. 7(b), 1966 Highway Act	
Sec. 139		129(f) should be "(g)"
Sec. 140		139
Sec. 141		101(a)
Sec. 142		106(d)
Sec. 143		134
Sec. 144		
Sec. 145		
Sec. 146	Sec. 130, Surface Transportation Assistance Act of 1978.	
Sec. 202(a)	Sec. 201, Highway Safety Act of 1966	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
	Repealed by sec. 7(b), Public Law 97-449, Jan. 12, 1983.	
Sec. 202(b)		
Sec. 202(c)		402(e)
Sec. 202(d)		402(d)
Sec. 202(e)	Repealed by sec. 1107(e), Public Law 97-35. Aug. 13, 1981.	402(h)
Sec. 202(f)		
Sec. 203		402(b)(1)(A
Sec. 204		144
Sec. 205		322
Sec. 301	Sec. 209(c), (e), and (f), Highway Revenue Code of 1956.	120
Sec. 302	Sec. 201(b), Land and Water Conservation Fund Act of 1965.	
Sec. 303(a)	Secs. 4041(c)(3), (e); 4061(a)(1), (b)(1); 4071(d); 4081(b); 4481(e); 4482(c)(4); 6156(e)(2); and 6421(h), Internal Revenue Code of 1954.	
Sec. 303(b)	Sec. 6412(a)(2), Internal Revenue Code of 1954.	
Highway Emergency Relief, Public Law 92-361, Aug. 3, 1972 (86 Stat. 503).		125(a)
International Bridge Act, sec. 7, Public Law 92-434, Sept. 26, 1972 (86 Stat. 732).		129(a)
Federal-Aid Highway Act of 1973, Aug. 13, 1973:		
Sec. 102	Sec. 108(b) Federal-Aid Highway Act of 1956.	
Sec. 103		
Sec. 104		
Sec. 105		101(a)
Sec. 106(a)		101(b)
Sec. 106(b)		104(b)(5)
Sec. 107		101(b)
Sec. 108		101(e)
Sec. 109(a)		103(d)
Sec. 109(b)		105(d)
Sec. 110(a)		103(g)
Sec. 110(b)		103(h)
Sec. 111(a)		104(b)(1), (b)(2), (b)(6), (c) and (d)
Sec. 112		104(f)
Sec. 113(a)		108(a)
Sec. 113(b)		108(c)
Sec. 114		109(i)
Sec. 115		114(a)
Sec. 116		117
Sec. 117		121(a)
Sec. 118(a)		129(b)
Sec. 118(b)		129(e)
Sec. 119		Sec. 135(c) repealed and existing subsection (d) changed to (c).
Sec. 120		140(b)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 121		142
Sec. 122(a)		143
Sec. 122(b)		143(e)
Sec. 122(c)		143(a)
Sec. 123		145
Sec. 124		217
Sec. 125	Sec. 128(a), 1976 Highway Act	146
Sec. 126		147
Sec. 127		217
Sec. 128(a)		320(d)
Sec. 129(a)	Sec. 14, Federal-Aid Highway Act of 1954.	
Sec. 129(b)		148
Sec. 130	Sec. 7(b), Federal-Aid Highway Act of 1966.	
Sec. 131	Sec. 143, Surface Transportation Assistance Act of 1978.	
Sec. 132		129(h)
Sec. 133		
Sec. 134		
Sec. 135		
Sec. 136		
Sec. 137(a)		103(e)
Sec. 137(b)		103(e)
Sec. 138		
Sec. 139(a)		129(g)
Sec. 139(b)		129(g)
Sec. 140		
Sec. 141		
Sec. 142		149
Sec. 143		
Sec. 144	Sec. 4, Federal-Aid Highway Act of 1962.	
Sec. 145		323
Sec. 146		
Sec. 147	Sec. 103, 1974 Highway Amendments Act; Sec. 129, 1976 Highway Act; Sec. 132 Surface Transportation Assistance Act of 1978.	
Sec. 148(a)		103(b)
Sec. 148(b)		103(c)
Sec. 148(c)		103(d)
Sec. 148(e)		103(c)
Sec. 149		
Sec. 150(a)		207(a)
Sec. 150(b)		207(d)
Sec. 151		307(c)(1)
Sec. 152(1)		101(a)
Sec. 152(2)		109(g)
Sec. 152(3)		126(a) and 310
Sec. 152(4)		303
Sec. 152(5)		308(b), 309, 312 and 314
Sec. 152(6)		312, 314
Sec. 153		108(b)
Sec. 154		
Sec. 155		
Sec. 156		109(k)
Sec. 157(a)		150
Sec. 158	Sec. 133, Surface Transportation Assistance Act of 1978.	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 159		
Sec. 160		
Sec. 161	Sec. 21, Public Law 96–106, Nov. 9, 1979.	
Sec. 162(a)		324
Sec. 162(b)		
Sec. 163	Sec. 104, 1974 Highway Amendments Act; Sec., 140, 1976 Highway Act; Sec. 134(a), (b), & (c), Surface Transportation Assistance Act of 1978.	
Sec. 164		
Sec. 165		
Sec. 202		
Sec. 203	Sec. 203, Surface Transportation Assistance Act of 1978; sec. 5, 1982 Highway Act.	
Sec. 204(a)		144(e)
Sec. 204(b)		144(f), (g)
Sec. 204(c)		144(h)
Sec. 205		151
Sec. 206		
Sec. 207(a)		402(i)
Sec. 207(b)		402(d)
Sec. 208		403(a)
Sec. 209		152
Sec. 210		153
Sec. 211		
Sec. 212		
Sec. 213		
Sec. 214		
Sec. 215		402(c)
Sec. 216		402(c)
Sec. 217		402(c)
Sec. 218		401
Sec. 219		402(j)
Sec. 220		403(a)
Sec. 221		403(d)
Sec. 222		403(e)
Sec. 223		404(a)(1)
Sec. 224	Sec. 202(a), Highway Safety Act of 1966 (80 Stat. 736).	
Sec. 225		
Sec. 226		403(f)
Sec. 227		104(g)
Sec. 228		402(b)(1)(F)
Sec. 229	Repealed by sec. 1107(d), Public Law 97–35, Aug. 13, 1981.	402(h)
Sec. 230	Sec. 135(e), 1976 Highway Act	405
Sec. 231(a)		402(a)
Sec. 231(b)		402(b)(1)(E)
Sec. 301(a)	Sec. 4(a), Urban Mass Transportation Act of 1964.	
Sec. 301(b)		
Sec. 301(c)	Sec. 4(c), Urban Mass Transportation Act of 1964.	
Sec. 301(d)	Sec. 9, Urban Mass Transportation Act of 1964.	
Sec. 301(e)		
Sec. 301(f)	Sec. 12, Urban Mass Transportation Act of 1964.	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 301(g)	Sec. 16(b), Urban Mass Transportation Act of 1964.	
Sec. 401		
Sec. 402		
Federal-Aid Highway Amendments of 1974:		
Sec. 101		
Sec. 102(a)	Sec. 104(a)(9), Federal-Aid Highway Act of 1973.	
Sec. 102(b)		101(a)
Sec. 102(c)		208
Sec. 103	Sec. 147, Federal-Aid Highway Act of 1973.	
Sec. 104	Sec. 163, Federal-Aid Highway Act of 1973.	
Sec. 105(a)		
Sec. 105(b)	Sec. 165, Federal-Aid Highway Act of 1973.	
Sec. 106(a)		127
Sec. 106(b)		127
Sec. 107		141
Sec. 108		129(g)(5)
Sec. 109(a)		131(b)
Sec. 109(b)		131(c)
Sec. 109(c)		131(g)
Sec. 110		136(j)
Sec. 111(a)		115(a)
Sec. 111(b)		115(b)
Sec. 112		323(e)
Sec. 113		144(e)
Sec. 114		154
Sec. 115		155
Sec. 116		
Sec. 117		322(a)
Sec. 118	Sec. 135, Surface Transportation Assistance Act of 1978.	
Sec. 119		
Sec. 120	Sec. 3(d) of Emergency Highway Energy Conservation Act (Public Law 93-239); repealed by sec. 126(b), Surface Transportation Assistance Act of 1978.	
Sec. 121		405(c)
Sec. 122		219
Sec. 123		320(d)
Sec. 124		
Sec. 125(a)		103(e)(2)
Sec. 125(b)		103(e)(4)
Sec. 126		406
Federal-Aid Highway Act of 1976:		
Sec. 102	Sec. 108(b), Federal-Aid Highway Act of 1956.	
Sec. 103		
Sec. 104		
Sec. 105		
Sec. 106(a)		
Sec. 106(b)		104(b)(5)
Sec. 107(a)		101(b)
Sec. 107(b)		104(b)(5)
Sec. 108(a)		101(a)

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 108(b)		101(a)
Sec. 109(a)		103(e)(2)
Sec. 109(b)		103(e)(5)
Sec. 110(a)		103(e)(4)
Sec. 110(b)		103(e)(4)
Sec. 111(a)		103(e)(2)
Sec. 111(b)		
Sec. 112(a)		104(b)
Sec. 112(b)		104(b)(1)
Sec. 112(c)		104(b)(3)
Sec. 112(d)		104(e)
Sec. 112(e)		104(f)(1)
Sec. 112(f)		104(f)(3)
Sec. 112(g)		104(b)(5)
Sec. 112(h)		
Sec. 113(a)		104(c)&(d)
Sec. 113(b)		
Sec. 114		106(c)
Sec. 115(a)		108(c)(2)
Sec. 115(b)		108(a)
Sec. 115(c)		108(c)(3)
Sec. 116(a)		117(a)
Sec. 116(b)		117(f)
Sec. 117(a)		118(b)
Sec. 117(b)(1)		203
Sec. 117(b)(2)		203
Sec. 117(c)		
Sec. 118		121(d)
Sec. 119(a)		125(a)
Sec. 119(b)		125(b)
Sec. 120		127
Sec. 121		129(g)(5)
Sec. 122(a)		131(f)
Sec. 122(b)		131(o), 131(p), 131(q)
Sec. 122(c)		131(i)
Sec. 123		135
Sec. 124		138
Sec. 125		139(b)
Sec. 126		140(b)
Sec. 127(a)		142(a)(1)
Sec. 127(b)		142(e)(3)
Sec. 128		146
Sec. 129	Sec. 147(a), Federal-Aid Highway Act of 1973.	
Sec. 130		147(b)
Sec. 131		152
Sec. 132		156
Sec. 133		202(a)
Sec. 134		217(e)
Sec. 135		219
Sec. 135(b)		219
Sec. 135(c)		405
Sec. 136(a)		319
Sec. 136(b)		
Sec. 137(a)		320(d)
Sec. 137(b)		
Sec. 138	Sec. 118(b), Federal-Aid Highway Amendments of 1974.	
Sec. 139(a)		111
Sec. 139(b)		119
Sec. 139(c)		133

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 140(a)	Sec. 163, Federal-Aid Highway Act of 1973.	
Sec. 140(b)	do	
Sec. 140(c)	do	
Sec. 140(d)	do	
Sec. 140(e)	do	
Sec. 140(f)	Sec. 302, National Mass Transportation Assistance Act of 1974 (Public Law 93-503).	
Sec. 141	Sec. 136, Surface Transportation Assistance Act of 1978.	
Sec. 142	Sec. 143, Federal-Aid Highway Act of 1973.	
Sec. 143	Sec. 3, Emergency Highway Energy Conservation Act (Public Law 93-239).	
Sec. 144		
Sec. 145	Sec. 2, Extension of Repayment of Funds (Public Law 94-30).	
Sec. 146		
Sec. 147		
Sec. 148		
Sec. 149		
Sec. 150		
Sec. 151		
Sec. 152		
Sec. 153		
Sec. 154	Sec. 137, Surface Transportation Assistance Act of 1978.	
Sec. 155		
Sec. 202		
Sec. 203(a)	Sec. 203 (b) and (c), Highway Safety Act of 1973 (Public Law 93-87).	
Sec. 203(b)	Sec. 203(d), Highway Safety Act of 1973 (Public Law 93-87).	
Sec. 204		
Sec. 205		402(j)(3)
Sec. 206		406(b), (c)
Sec. 207(a)		104(g)
Sec. 207(b)		151(c)
Sec. 208(a)		151(g)
Sec. 208(b)		402(c)
Sec. 209		
Sec. 210		404(a)(1)
Sec. 211		
Sec. 212		402(c)
Sec. 213		402(c)
Sec. 301(a)	Sec. 209 (c) and (f), Highway Revenue Act of 1956.	
Sec. 301(b)	Sec. 209(e)(1), Highway Revenue Act of 1956.	
Sec. 302	Sec. 201(b), Land and Water Conservation Fund Act of 1965.	
Sec. 303(a)	Secs. 4041 (c)(3), (e); 4061(a)(1), (b)(1); 4071(d); 4081(b); 4481(a), (e); 4482(c)(4); 6156(e)(2); 6421(h), Internal Revenue Act of 1954.	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 303(b)	Sec. 6412(a)(2), Internal Revenue Act of 1954.	
Surface Transportation Assistance Act of 1978:		
Sec. 102	Sec. 108(b), Federal-Aid Highway Act of 1956.	
Sec. 103		
Sec. 104		
Sec. 105	Enactment clause, 1981, Highway Act; sec. 106, 1982 Surface Transportation Assistance Act.	
Sec. 106		101(a)
Sec. 107(a)		103(e)(2), (4)
Sec. 107(b)		103(e)(4)
Sec. 107(c)		
Sec. 107(d)		
Sec. 107(e)	Sec. 107(g), 1982 Surface Transportation Assistance Act.	
Sec. 107(f)(1)		103(e)(4), (5), (6), (7)
Sec. 107(f)(2)	Repealed by Sec. 2(b), Public Law 96–106, Nov. 9, 1979.	
Sec. 108		104(b)(5)(A)
Sec. 109		104(d)
Sec. 110		104(h)
Sec. 111		105(b)
Sec. 112		105(g)
Sec. 113		109(l)
Sec. 114		111
Sec. 115(a)		118(b)
Sec. 115(b)		122
Sec. 115(c)		
Sec. 116(a)		119
Sec. 116(b)		104(b)(5)(B)
Sec. 116(c)		
Sec. 116(d)		109(m)
Sec. 117		120(d)
Sec. 118		124
Sec. 119		125(a)
Sec. 120		129(i)
Sec. 121		131(c)
Sec. 122(a)		131(g)
Sec. 122(b)		131(k)
Sec. 122(c)		131(c)
Sec. 122(d)		131(j)
Sec. 123(a)		
Sec. 123(b)		
Sec. 123(c)		
Sec. 123(d)		141
Sec. 123(e)	Repealed by Sec. 12 of Public Law 96–106, Nov. 9, 1979.	
Sec. 124(a)		144
Sec. 124(b)		
Sec. 124(c)		
Sec. 124(d)		116(d)
Sec. 125(a)		148(h)
Sec. 125(b)		148(a)(5)
Sec. 126(a)		146

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 126(b)	Repeals Sec. 3, Highway Energy Conservation Act (Public Law 93-239); sec. 120, Highway Amendment Act of 1974 (Public Law 93-643); and sec. 143, Highway Act of 1976.	
Sec. 126(c)	Sec. 203(b)(7a) of ICC Act	
Sec. 126(d)		
Sec. 126(e)		
Sec. 126(f)		
Sec. 126(g)		
Sec. 126(h)		
Sec. 127		
Sec. 128(a)		151(e)
Sec. 128(b)		320(d)
Sec. 129(a)		
Sec. 129(b)		120(a)
Sec. 129(c)		120(d)
Sec. 129(d)		120(f)
Sec. 129(e)		148(e)
Sec. 129(f)		155(b)
Sec. 129(g)		215(a)
Sec. 129(h)		406(c)
Sec. 129(i)		
Sec. 130	Sec. 146(a), Federal-Aid Highway Act of 1970.	120(i)
Sec. 131	Sec. 143, Federal-Aid Highway Act of 1973.	
Sec. 132	Sec. 147(a), Federal-Aid Highway Act of 1973.	
Sec. 133	Sec. 158, Federal-Aid Highway Act of 1973.	
Sec. 134(a)	Sec. 163, Federal-Aid Highway Act of 1973.	
Sec. 134(b)	Sec. 163, Federal-Aid Highway Act of 1973.	
Sec. 134(c)	Sec. 163, Federal-Aid Highway Act of 1973.	
Sec. 134(d)	Repeals Title III, National Mass Transportation System Act of 1974 (Public Law 93-503).	
Sec. 135	Sec. 118(b), Federal-Aid Highway Amendments Act of 1974.	
Sec. 136	Sec. 141, Federal-Aid Highway Act of 1976.	
Sec. 137(a)	Sec. 154(c), Federal-Aid Highway Act of 1976.	
Sec. 137(b)	Sec. 154(h)(1), Federal-Aid Highway Act of 1976.	
Sec. 138(a)	Sec. 201(f), Appalachian Regional Development Act of 1965.	
Sec. 138(b)	Sec. 201(a), Appalachian Regional Development Act of 1965.	
Sec. 138(c)		
Sec. 139		
Sec. 140	46 Stat. 1192	
Sec. 141(a)		
Sec. 141(b)		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 141(c)		
Sec. 141(d)		
Sec. 141(e)		
Sec. 141(f)		109(f)
Sec. 141(g)		109(n)
Sec. 141(h)		217(a)
Sec. 141(i)		
Sec. 142		
Sec. 143(a)	Amended by Sec. 13(a) of Pub. L. 96–106, Nov. 9, 1979.	
Sec. 143(b)	Amended by Sec. 13(b) of Pub. L. 96–106, Nov. 9, 1979.	
Sec. 144	Amended by Sec. 14 of Pub. L. 96–106, Nov. 9, 1979.	
Sec. 145	Sec. 11, 1981 Highway Act.	
Sec. 146		
Sec. 147	Amended by Sec. 15 of Pub. L. 96–106, Nov. 9, 1979.	
Sec. 148		
Sec. 149		
Sec. 150		
Sec. 151	Sec. 105(b), 1982 Surface Transportation Assistance Act.	
Sec. 152	Sec. 12, 1981 Highway Act.	
Sec. 153		
Sec. 154		
Sec. 155		
Sec. 156		
Sec. 157		
Sec. 158		
Sec. 159		
Sec. 160		
Sec. 161		
Sec. 162		
Sec. 163		
Sec. 164	Amended by Sec. 16 of Pub. L. 96–106, Nov. 9, 1979.	
Sec. 165		
Sec. 166		
Sec. 167		
Sec. 168(a)		152
Sec. 168(b)		153
Sec. 168(c)		
Sec. 168(d)		219(c)
Sec. 169(a)		134(a)
Sec. 169(b)		134(b), (c)
Sec. 170		
Sec. 170(b)	Amended by sec. 20(a) of Public Law 96–106, Nov. 9, 1979.	
Sec. 170(1)	Amended by sec. 20(b) of Public Law 96–106, Nov. 9, 1979.	
Sec. 171		
Sec. 201		
Sec. 202	Sec. 1109(a), Public Law 97–35, Aug. 13, 1981.	
Sec. 203(a)	Sec. 203(b), Highway Safety Act of 1973 (Public Law 93–87).	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 203(b)	Repeals sec. 203(c), Highway Safety Act of 1973 (Public Law.	93–87).
Sec. 203(c)	Sec. 203(d), Highway Safety Act of 1973 (Public Law 93–87).	
Sec. 204		
Sec. 205		
Sec. 206	Sec. 1109(c), Public Law 97–35, Aug. 13, 1981.	154
Sec. 207(a)		
Sec. 207(b)		402(a)
Sec. 207(c)		402(b)
Sec. 207(d)		402(b)
Sec. 208(a)		402(d)
Sec. 208(b)		407
Sec. 209		
Sec. 210		
Sec. 211		
Sec. 212		
Sec. 213		
Sec. 214		
Sec. 215		
Sec. 301		
Sec. 302(a)	Sec. 3(a), Urban Mass Transportation Act of 1964.	
Sec. 302(b)	Sec. 3(b), Urban Mass Transportation Act of 1964.	
Sec. 302(c)	Sec. 3(e)(1), Urban Mass Transportation Act of 1964.	
Sec. 302(d)	Sec. 3(h), Urban Mass Transportation Act of 1964.	
Sec. 303(a)	Sec. 4, Urban Mass Transportation Act of 1964.	
Sec. 303(b)	Sec. 4(a), Urban Mass Transportation Act of 1964.	
Sec. 303(c)	Sec. 4(c), Urban Mass Transportation Act of 1964.	
Sec. 303(d)	Sec. 4(d), Urban Mass Transportation Act of 1964.	
Sec. 303(e)	Secs. 4(e), (f), (g), (h), and (i), Urban Mass Transportation Act of 1964.	
Sec. 304(a)	Secs. 5(a), (b), Urban Mass Transportation Act of 1964.	
Sec. 304(b)	Sec. 5(c)(2), Urban Mass Transportation Act of 1964.	
Sec. 304(c)	Sec. 5(c), Urban Mass Transportation Act of 1964.	
Sec. 304(d)	Sec. 5(f), Urban Mass Transportation Act of 1964.	
Sec. 304(e)	Sec. 5(g), Urban Mass Transportation Act of 1964.	
Sec. 304(f)	Sec. 5(i), Urban Mass Transportation Act of 1964.	
Sec. 305(a)	Repeals present secs. 8 and 9, Urban Mass Transportation Act of 1964.	
Sec. 305(b)	Adds new sec. 8, Urban Mass Transportation Act of 1964.	
Sec. 306	Sec. 10, Urban Mass Transportation Act of 1964.	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 307	Sec. 11(b), Urban Mass Transportation Act of 1964.	
Sec. 308(a)	Sec. 12(b), Urban Mass Transportation Act of 1964.	
Sec. 308(b)	Sec. 12(c), Urban Mass Transportation Act of 1964.	
Sec. 308(c)	Repeals secs. 12(d), (f) and redesignates present sec. 12(e) as sec. 12(d)—adds new secs. 12 (e), (f), (g), Urban Mass Transportation Act of 1964.	
Sec. 309		
Sec. 310	Sec. 15(c), Urban Mass Transportation Act of 1964.	
Sec. 311(a)	Sec. 16(b), Urban Mass Transportation Act of 1964.	
Sec. 311(b)	Repeals sec. 16(d), Urban Mass Transportation Act of 1964.	
Sec. 312(a)	Sec. 17(d), Urban Mass Transportation Act of 1964.	
Sec. 312(b)	Sec. 17(f), Urban Mass Transportation Act of 1964.	
Sec. 312(c)	Repeals present sec. 18, Urban Mass Transportation Act of 1964.	
Sec. 313	Adds new sec. 18, Urban Mass Transportation Act of 1964.	
Sec. 314	Adds new sec. 19, Urban Mass Transportation Act of 1964.	
Sec. 315	Adds new sec. 20, Urban Mass Transportation Act of 1964.	
Sec. 316		
Sec. 317	Sec. 158(b), National Traffic Dand Motor Vehicle Safety Act of 1966.	
Sec. 318		
Sec. 319		
Sec. 320		
Sec. 321		
Sec. 322	Adds new sec. 21, Urban Mass Transportation Act of 1964.	
Sec. 323	Adds new sec. 22, Urban Mass Transportation Act of 1964.	
Sec. 401	Amended by sec. 6, 1981 Highway Act; repealed by sec. 165(e), 1982 Surface Transportation Assistance Act.	
Sec. 501		
Sec. 502(a)	Secs. 4041(e); 4061(a)(1); (b)(1); 4071(d); 4081(b); 4481(a)(e); 4482(c)(4); 6156(e)(2); 6421(h), Internal Revenue Act of 1954.	
Sec. 502(b)	Sec. 4041(c)(3), Internal Revenue Act of 1954.	
Sec. 503(a)	Sec. 209(c), (e)(1), (f), Highway Revenue Act of 1958.	
Sec. 503(b)	Sec. 201(b), Land and Water Conservation Act of 1965.	
Sec. 504(a)	Sec. 209(g), Highway Revenue Act of 1956.	
Sec. 504(b)		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 505(a)	Redesignates present subsections 6427(e), (f), (g), (h), and (i) as 6427(f), (g), (h), (i) and (j) and adds a new subsection 6427(e), Internal Revenue Code of 1954.	
Sec. 505(b)	Sec. 6427(f)(2), Internal Revenue Code of 1954.	
Sec. 505(c)	Secs. 39 (a)(4), (b); 6427(a), (b)(1), (c), (d), (f)(1), (h)(2); 7210; 7603; 7604(b), (c)(2); 7605(a); 7609(c)(1); 7610(c), Internal Revenue Code of 1954.	
Sec. 505(d)		
Sec. 506		
Sec. 507		
Act of Nov. 9, 1979 (93 Stat. 796):		
Sec. 1		103(e)(4)
Sec. 2(a)		103(e)(5)
Sec. 2(b)	Repeals sec. 107(f)(2) of Federal Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 2(c)		103(e)
Sec. 3		109(l)(1)(A)
Sec. 4		115(b)
Sec. 5(a)		118(b)
Sec. 5(b)		
Sec. 6		131(c)(5)
Sec. 7(a)		144(d)
Sec. 7(b)		144(m)
Sec. 8(a)		144(g)
Sec. 8(b)		
Sec. 9		215(f)
Sec. 10(a)		219(c)
Sec. 10(b)		152(g)
Sec. 11		321(b)
Sec. 12	Repeals sec. 123 of Federal-Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 13(a)	Sec. 143(a), Federal-Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 13(b)	Sec. 143(b), Federal-Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 14	Sec. 144, Federal-Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 15	Sec. 147, Federal-Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 16	Sec. 164, Federal-Aid Highway Act of 1978 (Public Law 95-599).	
Sec. 17(a)	Sec. 5(a)(2)(A), Urban Mass Transportation Act of 1964.	
Sec. 17(b)	Sec. 5(a)(2), Urban Mass Transportation Act of 1964.	
Sec. 17(c)	Sec. 5(a)(3)(A), Urban Mass Transportation Act of 1964.	

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 17(d)	Sec. 5(a)(4)(A), Urban Mass Transportation Act of 1964.	
Sec. 18		119(b)
Sec. 19		125(b)
Sec. 20(a)	Sec. 170(b), Surface Transportation Assistance Act of 1978 (Public Law 95-599).	
Sec. 20(b)	Sec. 170(1), Surface Transportation Assistance Act of 1978 (Public Law 95-599).	
Sec. 21	Sec. 161(f), Federal-Aid Highway Act of 1973.	
Sec. 22	Sec. 204, Uranium Mill Tailings Radiation Control Act of 1978.	
Sec. 201		
Act of Dec. 13, 1979 (93 Stat. 1084):		
Sec. 1		
Sec. 2		103(e)(4)
Sec. 3		
Federal-Aid Highway Act of 1981:		
Enactment Clause	Sec. 105, Surface Transportation Assistance Act of 1978.	
Sec. 2		
Sec. 3		
Sec. 4	Sec. 108(b), 1956 Highway Act	104(b)(5)(A)
Sec. 5		104(b)(5)(B)
Sec. 6		119
Sec. 7		119
Sec. 8		
Sec. 9		
Sec. 10		139
Sec. 11	Sec. 145, Surface Transportation Assistance Act of 1978.	
Sec. 12	Sec. 152, Surface Transportation Assistance Act of 1978.	
Sec. 13		
Federal-Aid Highway Act of 1982:		
Sec. 2	Sec. 108(b), 1956 Highway Act	
Sec. 3		
Sec. 4		
Sec. 5		203, 144
Sec. 6	Sec. 401(a), Surface Transportation Assistance Act of 1978.	
Surface Transportation Assistance Act of 1982:		
Sec. 101		
Sec. 102	Sec. 108(b), 1956 Highway Act	
Sec. 103(a)		
Sec. 103(b)	Sec. 4(b), Highway Act of 1982	
Sec. 104		
Sec. 105(a)		
Sec. 105(b)	Sec. 151, Surface Transportation Assistance Act of 1978.	
Sec. 105(c)		
Sec. 105(d)		
Sec. 105(e)	Sec. 4(a), Highway Act of 1982.	
Sec. 105(f)		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 106	Sec. 105, Surface Transportation Assistance Act of 1978.	
Sec. 107(a)		103(e)(4)
Sec. 107(b)		103(e)(4)
Sec. 107(c)		103(e)(4)
Sec. 107(d)		103(e)(4)
Sec. 107(e)		103(e)(4)
Sec. 107(f)		122
Sec. 107(g)		107(e)
Sec. 108(a) thru (e)		
Sec. 108(f)		103(b)(1)
Sec. 109(a)		105
Sec. 109(b)		120
Sec. 110(a)		109
Sec. 110(b)&(c)		
Sec. 111		
Sec. 112		112
Sec. 113(a)		115(b)(2)
Sec. 113(b)		115(b)
Sec. 113(c)		115(a)
Sec. 113(d)		115(c)
Sec. 114		116
Sec. 115(a)		118(b)
Sec. 115(b)		118(c)&(d)
Sec. 116(a)(1)&(2)		119(a)
Sec. 116(a)(3)		139(a)
Sec. 116(b)		119(c)
Sec. 116(c)		119(d)
Sec. 117(a)		120(c)
Sec. 117(b)		120(d)
Sec. 117(c)		120(j)
Sec. 118		137
Sec. 119(a)		140(a)
Sec. 119(b)		140(c)
Sec. 119(c)		140
Sec. 120(a)		142(a)(1)
Sec. 120(b)		142(a)(1), 142(b), & 142(f)
Sec. 121(a)		144(e)
Sec. 121(b)		
Sec. 122(a)		144(g)
Sec. 122(b)		
Sec. 122(c)		
Sec. 123(a)		120(d)
Sec. 123(b)		
Sec. 124		150
Sec. 125		152(c)
Sec. 126(a)		202
Sec. 126(b)		204
Sec. 126(c)		101(a)
Sec. 126(d)		206, 207, 208, 209 & 214(c)
Sec. 126(e)		Chapter 2 Analysis
Sec. 126(f)		201, 203
Sec. 126		217
Sec. 127(a)	Sec. 108(b), 1956 Highway Act	
Sec. 127(b)		
Sec. 128		
Sec. 129		
Sec. 130		
Sec. 131		
Sec. 132		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 133(a)		
Sec. 134		127
Sec. 135		
Sec. 136		
Sec. 137		
Sec. 138		
Sec. 139		
Sec. 140	Sec. 150(b), Surface Transportation Assistance Act of 1978.	
Sec. 141		
Sec. 142		
Sec. 143		
Sec. 144		141(d)
Sec. 145		
Sec. 146		
Sec. 147		
Sec. 148		
Sec. 149		114(b)
Sec. 150(a)		113(a)
Sec. 150(b)		157
Sec. 151	Sec. 163(p), 1973 Highway Act	Chapter 1, Analysis
Sec. 152		
Sec. 153(a)		
Sec. 153(b)		125(a)
Sec. 153(c)		
Sec. 153(d)		125(a)
Sec. 153(e)		125(b)
Sec. 153(f)		
Sec. 153(g)		120(f)
Sec. 153(h)(1)		
Sec. 153(h)(2)		125(b)
Sec. 154	Sec. 161(f), 1973 Highway Act	125(c)
Sec. 155		
Sec. 156(a)		210(c)
Sec. 156(b)		307(c)
Sec. 156(c)		307(c)(2)
Sec. 156(d)		120(i)
Sec. 158		307(c)(1)
Sec. 159		218
Sec. 160(a)		101(a)
Sec. 160(b)	Sec. 3, Pub. L. 89-139, Aug. 28, 1965; Sec. 17, 1968 Highway Act.	307(e)
Sec. 161		
Sec. 162		
Sec. 163		
Sec. 164		
Sec. 165	Sec. 401, Surface Transportation Assistance Act of 1978.	
Sec. 201		
Sec. 202		
Sec. 203(a)		
Sec. 203(b)		
Sec. 203(c)	Sec. 202, Highway Safety Act of 1978.	
Sec. 203(d)		
Sec. 204		
Sec. 205	Sec. 203(b), Highway Safety Act of 1973.	
Sec. 206		
Sec. 207		209(g), 209(i)
Sec. 208		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 209		
Sec. 301		
Sec. 302(a)	Secs. 21 & 22, Urban Mass Transportation Act of 1964.	
Sec. 302(b)	Sec. 4(a), Urban Mass Transportation Act of 1964.	
Sec. 302(c)	Sec. 4(c), Urban Mass Transportation Act of 1964.	
Sec. 302(d)	Sec. 4(f), Urban Mass Transportation Act of 1964.	
Sec. 302(e)	Sec. 4(g), Urban Mass Transportation Act of 1964.	
Sec. 303	Sec. 9, Urban Mass Transportation Act of 1964.	
Sec. 304(a)&(b)	Sec. 3(a), Urban Mass Transportation Act of 1964.	
Sec. 304(c)	Sec. 15(b), Urban Mass Transportation Act of 1964.	
Sec. 305	Sec. 3(a)(4), Urban Mass Transportation Act of 1964.	
Sec. 306(a)	Sec. 4(d), Urban Mass Transportation Act of 1964.	
Sec. 306(b)	Sec. 11(b)(5), Urban Mass Transportation Act of 1964.	
Sec. 307	Sec. 5, Urban Mass Transportation Act of 1964.	
Sec. 308	Sec. 12(b)(2), Urban Mass Transportation Act of 1964.	
Sec. 309	Sec. 12(c), Urban Mass Transportation Act of 1964.	
Sec. 310		
Sec. 311		
Sec. 312		
Sec. 313	Sec. 3(a)(1)(A), Urban Mass Transportation Act of 1964.	
Sec. 314		
Sec. 315		
Sec. 316(a)	Sec. 18(a), Urban Mass Transportation Act of 1964.	
Sec. 316(b)	Sec. 18(c), Urban Mass Transportation Act of 1964.	
Sec. 317(a)	Sec. 16(b), Urban Mass Transportation Act of 1964.	
Sec. 317(b)		
Sec. 317(c)	Sec. 16(c), Urban Mass Transportation Act of 1964.	
Sec. 318(a)	Sec. 107, National Mass Transportation Assistance Act of 1964.	
Sec. 318(b)	Sec. 22, Urban Mass Transportation Act of 1964.	
Sec. 401		
Sec. 402		
Sec. 403		
Sec. 404		
Sec. 405		
Sec. 406	Sec. 30, Motor Carrier Act of 1980.	
Sec. 411		
Sec. 412		
Sec. 413		
Sec. 414		

SUBPART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW AND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I AND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
Sec. 415		
Sec. 421	Federal Boat Safety Act of 1971 (Pub. L. 92–75; 85 Stat. 213); 26 U.S.C. 1475(b), (c), & (d); 26 U.S.C. 1479.	
Sec. 422	Pub. L. 96–451, sec. 303(d)&(e) (16 U.S.C. 160a (d)&(e)).	
Sec. 423(a)	Saltonstall-Kennedy Act Amendment of Aug. 11, 1939 (15 U.S.C. 713c–3–3(e)).	
Sec. 423(b)		
Sec. 424	Sec. 104, Marine Protection, Research and Sanctuaries Act of 1972.	
Sec. 425	Sec. 1103(f), Merchant Marine Act, 1936 (46 U.S.C. 1273(f)).	
Sec. 426(a)–(d)	Sec. 507(a), Airport and Airway Improvement Act of 1982 (Pub. L. 97–248).	
Sec. 426(e)	Internal Revenue Code of 1954, sec. 9502(d)(1)(A).	
Sec. 427	49 U.S.C. 11909(b).	
Sec. 427(b)	49 U.S.C. 11914(b).	
Sec. 501		
Sec. 502		
Sec. 511	Secs. 4041(b), (c), (k); 4081(a), (b), (c); 6416(b); 6420(c); 6421(a)(d); 6427 6427(a), (b), (c), (e), (f), Internal Revenue Code of 1954.	
Sec. 512	Secs. 4051; 4052; 4053; 4061(a), (c); 4063(a); 6416(a), (b), Internal Revenue Code of 1954.	
Sec. 513	Secs. 4481(a), (c); 4482(c), (d); 4483(d), Internal Revenue Code of 1954.	
Sec. 514	Sec. 4071(a), Internal Revenue Code of 1954.	
Sec. 515	Secs. 39; 4221(c); 4222(d); 6206; 6416(b); 6421(d); 6424; 6504; 6675; 7210; 7603; 7604; 7605; 7609(c)(1); 7610(c), Internal Revenue Code of 1954.	
Sec. 516	Secs. 4041(a), (f), (g); 4071(d); 4081(b); 4221(a); 4481(e); 4482(c); 4483(e); 6156(e); 6412(a); 6420(h); 6427(k), Internal Revenue Code of 1954.	
Sec. 517	Sec. 266(c)(2), Economic Recovery Act of 1981.	
Sec. 518		
Sec. 521		
Sec. 522		
Sec. 523		
Sec. 531	Sec. 9503, Internal Revenue Code of 1954; Sec. 209 (except subsection (b)), Highway Revenue Act of 1956; Sec. 201(b), Land and Water Conservation Fund of 1965.	

PART D. DISTRIBUTION AND PLACEMENT OF SECTIONS OF SOURCE LAW ND SOURCES BY SECTIONS, TITLE 23, UNITED STATES CODE, TABLES I ND II—Continued

Source law	Merged into, amended, or repealed by—	Title 23
c. 541	Secs. 167, 168, Internal Revenue Code of 1954.	
c. 542	Sec. 6012, Internal Revenue Code of 1954.	
c. 543	Sec. 274, Internal Revenue Code of 1954.	
c. 544	Secs. 602(d) & (e), Tax Equity and Fiscal Responsibility Act of 1982.	
c. 545	Secs. 402(a), 1612(b), Social Security Act.	
c. 546	Sec. 48, Internal Revenue Code of 1954.	
c. 547	Secs. 103, 851(b), 852, Internal Revenue Code of 1954.	

TABLE II.—*Title 23 U.S.C., sources by sections*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
101(a)	1921 Act:
	Sec. 2, paras. 2, 3, 4, 7, 8.
	Sec. 23(a), paras. 1, 2.
	1924 Act Federal-Aid to Hawaii (43 Stat. 17).
	1928 Act of May 26 (45 Stat. 750).
	1936 Act Federal-Aid to Puerto Rico (49 Stat. 1891).
	1936 Act, sec. 1(c).
	1938 Act, sec. 1(b), (e).
	1944 Act, sec. 1, paras. 1, 2, 3.
	1950 Act, sec. 2.
	1954 Act, sec. 15.
	1956 Act:
	Sec. 104(a).
	Sec. 104(b).
	Sec. 104(c).
	Sec. 105.
	Sec. 119.
	Amended by Act of June 25, 1959 (73 Stat. 141), sec. 21(e)(1).
	Amended by Act of July 12, 1960 (74 Stat. 411), sec. 17(a).
	Amended by 1962 Highway Act, sec. 6.
	Amended by 1968 Highway Act, sec. 8.
	Amended by 1970 Highway Act, secs. 106(a), 117(d), 130 and 141.
	Amended by 1973 Highway Act, secs. 105 and 152(l).
	Amended by 1974 Highway Amendments, sec. 102(b).
	Amended by 1976 Highway Act, sec. 108(a) and (b).
	Amended by 1978 Surface Transportation Assistance Act, sec. 106.
	Amended by 1982 Surface Transportation Assistance Act, secs. 126(c), 159.
101(b)	1956 Act:
	Sec. 108(a).
	Sec. 116(a).
	Sec. 116(b).
	Amended by 1964 Highway Act, sec. 3.
	Amended by 1966 Highway Act, sec. 4(a).
	Amended by 1968 Highway Act, sec. 4(a).
	Amended by 1970 Highway Act, sec. 104(a).
	Amended by 1973 Highway Act, secs. 106(a) and 107.
	Amended by 1976 Highway Act, sec. 107(a).
101(c) and (d)	Added by 1968 Highway Act, sec. 15.
	Amended by 1970 Highway Act, sec. 107.
101(e)	Added by 1973 Highway Act, sec. 108.
102	Prior authorization acts are not repealed under the act.
103(a)	New language.
	Amended by 1970 Highway Act, sec. 106(b)(3).
103(b)	1921 Act, sec. 6, paras. 1, 2.
	1928 Act, May 21 (45 Stat. 683), sec. 3.
	1931 Act, Feb. 23 (46 Stat. 1415).
	1932 Act, July 21 (47 Stat. 709), sec. 304.
	1936 Act, June 23 (49 Stat. 1891).
	1938 Act. sec. 1(b).
	1956 Act, sec. 107(a).
	Amended by 1973 Highway Act, sec. 148(a).
	Amended by 1982 Surface Transportation Assistance Act, sec. 108(f).
103(c)	1944 Act:
	Sec. 1, para. 4.
	Sec. 3(b).
	1948 Act, sec. 1, para. 2.
	1950 Act, sec. 1(b).
	1954 Act, sec. 16.
	Amended by 1962 Highway Act, sec. 8.
	Amended by 1973 Highway Act, sec. 148(b) and (e).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
103(d)	Added by 1970 Highway Act, sec. 106(b)(1). Amended by 1973 Highway Act, secs. 109(a), 109(b) and 148(c).
103(e)	1944 Act, sec. 7. 1956 Act, sec. 108(1). Amended by Act of July 12, 1960 (74 Stat. 411), sec. 17(c). (d) relettered as (e) by 1970 Highway Act, sec. 106(b)(1) Amended by 1973 Highway Act, secs. 137(a) and (b).
103(e)(1) and (2)	Amended by Act of Jan. 2, 1968 (81 Stat. 772); "(d)(2)" new language.
103(e)(1)	Amended by 1968 Highway Act, sec. 14(a).
103(e)(2)	Amended by 1968 Highway Act, sec. 21. Amended by 1973 Highway Act, sec. 137(a). Amended by 1974 Highway Amendments, sec. 125(a). Amended by 1976 Highway Act, secs. 109(a) and 111(a). Amended by 1978 Surface Transportation Assistance Act, sec. 107(a)(1).
103(e)(3)	Added by 1968 Highway Act, sec. 14(b).
103(e)(4)	Added by 1973 Highway Act, sec. 137(b). Amended by 1974 Highway Amendments, sec. 125(b). Amended by 1976 Highway Act, sec. 110(a) and (b). Amended by 1978 Surface Transportation Assistance Act, sec. 107(a)(2), (b), (f)(1)(A). Amended by Public Law 96-106, enactment clause (sec. 1), Nov. 9, 1979. Amended by Public Law 96-144, Dec. 13, 1979, sec. 2. Amended by 1982 Surface Transportation Assistance Act, sec. 107(a), (b), (c)(1), (d), and (e).
103(e)(5)	Added by 1978 Surface Transportation Assistance Act, sec. 107(f)(1)(C). Amended by Public Law 96-106, sec. 2(a), Nov. 9, 1979.
103(e)(6)	Added by Public Law 96-106, sec. 2(b), Nov. 9, 1979.
103(e)(7)	Added by Public Law 96-106, sec. 2(b), Nov. 9, 1979.
103(e)(8)	Added as sec. 103(e)(6) by 1978 Surface Transportation Assistance Act, sec. 107(f)(1)(C). Relettered as 103(e)(8) by Public Law 96-106, sec. 2(b), Nov. 9, 1979.
103(e)(9)	Added by 1976 Highway Act, sec. 109(b) as 103(e)(5). Relettered as 103(e)(7) by 1978 Surface Transportation Assistance Act, sec. 107(f)(1)(B). Relettered as 103(e)(9) by Public Law 96-106, sec. 2(b), Nov. 9, 1979.
103(f)	1921 Act, sec. 6, para. 5. (e) relettered as (f) by 1970 Highway Act, sec. 106(b)(1).
103(f) (repealed)	1956 Act, sec. 107(a). Amended by Act of June 25, 1959 (73 Stat. 141), sec. 21(d)(1). Repealed by Public Law 86-70, sec. 21(d)(1).
103(g)	1931 Act, Feb. 23 (46 Stat. 1415). Repealed by Act of July 12, 1960 (74 Stat. 411), sec. 17(b). Added by 1970 Highway Act, sec. 124. Amended by 1973 Highway Act, sec. 110(a).
103(h)	Added by 1973 Highway Act, sec. 110(b).
104(a)	1921 Act, sec. 21, para. 2. 1948 Act, sec. 6.
104(b)	1936 Act, sec. 1(b). Amended by Act of June 25, 1959 (73 Stat. 141), sec. 21(e)(2). Amended by 1976 Highway Act, sec. 112(a).
104(b)(1)	1921 Act, sec. 21, para. 3. 1956 Act, sec. 107(a). Amended by 1962 Highway Act, sec. 10. Amended by 1973 Highway Act, sec. 111(a)(1) and (a)(2). Amended by 1976 Highway Act, sec. 112(b).
104(b)(2)	1944 Act, sec. 4(b). 1950 Act, sec. 1(c), para. 3. Amended by 1973 Highway Act, sec. 111(a)(1) and (a)(3).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
104(b)(3)	1944 Act, sec. 4(c). Amended by 1963 Highway Act, sec. 2. Repealed by 1976 Highway Act, sec. 112(c).
104(b)(4)	1954 Act, sec. 2(a). 1956 Act, sec. 108(c).
104(b)(5)	1956 Act, sec. 108(d) and (e). Amended by 1960 Highway Act, sec. 8(g). Amended by 1963 Highway Act, sec. 3. Amended by 1964 Highway Act, sec. 4(a). Amended by 1966 Highway Act, sec. 4(b). Amended by 1968 Highway Act, sec. 4(b). Amended by 1970 Highway Act, sec. 104(b). Amended by 1973 Highway Act, sec. 106(b). Amended by 1976 Highway Act, secs. 106(b); 107(b); and 112(g). Amended by 1978 Surface Transportation Assistance Act, secs. 108 and 116(b). Amended by 1981 Highway Act, secs. 4(c), 5.
104(b)(6)	Added by 1970 Highway Act, sec. 106(c)(2). Amended by 1973 Highway Act, sec. 111(a)(4).
104(c)	1956 Act, sec. 102(c). Amended by 1973 Highway Act, sec. 111(a)(5) and (a)(7). Amended by 1976 Highway Act, sec. 113(a).
104(d)	1944 Act, sec. 3(b). Amended by 1976 Highway Act, sec. 113(a). Amended by 1978 Surface Transportation Assistance Act, sec. 109.
104(e)	1921 Act, sec. 22.
104(f)	Added by 1970 Highway Act, sec. 106(c)(1). Amended by 1973 Highway Act, sec. 112. Amended by 1976 Highway Act, sec. 112 (e) and (f).
104(g)	Added by 1973 Highway Act, sec. 227. Amended by 1976 Highway Act, sec. 206.
104(h)	Added by 1978 Surface Transportation Assistance Act, sec. 110.
105(a)	1916 Act, sec. 6. 1921 Act, sec. 11. 1936 Act, sec. 1(b).
105(b)	1950 Act, sec. 1(b). Amended by 1978 Surface Transportation Assistance Act, sec. 111.
105(c)	1921 Act, sec. 6.
105(d)	Added by 1970 Highway Act, sec. 106(d). Amended by 1973 Highway Act, sec. 109(b).
105(e)	1940 Act, sec. 19. (d) relettered as (e) by 1970 Highway Act, sec. 106(d).
105(f)	1924 Act, Mar. 10 (43 Stat. 17). Repealed by Act of July 12, 1960 (74 Stat. 411), sec. 17(b). (e) relettered as (f) by 1970 Highway Act, sec. 106(d).
105(g)	Added by 1970 Highway Act, sec. 132. Amended by 1978 Surface Transportation Assistance Act, sec. 112.
105(h)	Added by 1982 Surface Transportation Assistance Act, sec. 109(a).
106(a)	1921 Act, sec. 11, paras. 1 and 2. 1936 Act, sec. 1(b). 1944 Act, sec. 2.
106(b)	1950 Act, sec. 1(b). Amended by 1970 Highway Act, sec. 106(e).
106(c)	1921 Act, sec. 11, para. 1. Amended by 1963 Highway Act, sec. 7. Amended by 1976 Highway Act, sec. 114.
106(d)	Added by 1970 Highway Act, sec. 142.
107(a)	1956 Act, sec. 109(a).
107(b)	1956 Act, sec. 109(b).
107(c)	1956 Act, sec. 109(c).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
107(d)	1956 Act, sec. 109(d).
108(a)	1956 Act, sec. 110.
	Amended by Act of May 29, 1959 (73 Stat. 62), sec. 1.
	Amended by 1973 Highway Act, sec. 113(a).
	Amended by 1976 Highway Act, sec. 115(b).
108(b)	Amended by 1968 Highway Act, sec. 7(a).
	Amended by 1973 Highway Act, sec. 153.
108(c)	Added by 1968 Highway Act, sec. 7(b).
	Amended by 1973 Highway Act, sec. 113(b).
	Amended by 1976 Highway Act, sec. 115(a) and (c).
109(a)	1921 Act, sec. 8.
	1921 Act, sec. 9, para. 2.
	1938 Act, sec. 12.
109(b)	1956 Act, sec. 108(i).
	Amended by 1963 Highway Act, sec. 4.
	Amended by 1966 Highway Act, sec. 5(a).
109(c)	1950 Act, sec. 1(b).
109(d)	1944 Act, sec. 12.
109(e)	1936 Act, sec. 8.
109(f)	1944 Act, sec. 2.
	Amended by 1978 Surface Transportation Assistance Act, sec. 141(f).
109(g)	Added by 1966 Highway Act, sec. 14.
	Amended by 1970 Highway Act, sec. 136(a).
	Amended by 1973 Highway Act, sec. 152(2).
109(h)	Added by 1970 Highway Act, sec. 136(b).
109(i)	Added by 1970 Highway Act, sec. 136(b).
	Amended by 1973 Highway Act, sec. 114.
109(j)	Added by 1970 Highway Act, sec. 136(b)
109(k)	Added by 1973 Highway Act, sec. 156.
109(l)	Added by 1978 Surface Transportation Assistance Act, sec. 113.
109(1)(l)(A)	Amended by Public Law 96–106, sec. 3, Nov. 9, 1979.
109(m)	Added by 1978 Surface Transportation Assistance Act, sec. 116(d).
109(n)	Added by 1978 Surface Transportation Assistance Act, sec. 141(g).
109(o)	Added by 1982 Surface Transportation Assistance Act, sec. 110(a).
110(a)	1921 Act, sec. 7.
	1944 Act, sec. 2.
110(b)	New language—Codification of Title 23.
111	1956 Act, sec. 112.
	Amended by 1961 Highway Act, sec. 104.
112(a)	1938 Act, sec. 12.
112(b)	1954 Act, sec. 17(a).
	Amended by 1968 Highway Act, sec. 22(c).
	Amended by Public Law 96–470, sec. 112(b)(1), Oct. 19, 1980.
	Amended by 1982 Surface Transportation Assistance Act, sec. 112(1).
112(c)	1954 Act, sec. 17(b).
112(d)	1921 Act, sec. 12.
112(e)	New language—Codification of Title 23.
	Amended by 1982 Surface Transportation Assistance Act, sec. 112(2).
113(a)	1956 Act, sec. 115(a).
113(b)	1956 Act, sec. 115(b).
113(a), (b), (c)	Amended by 1968 Highway Act, sec. 12(a).
113(a)	Amended by 1982 Surface Transportation Assistance Act, sec. 149.
114(a)	1921 Act, sec. 12.
	1936 Act, sec. 1(b).
	Amended by 1960 Highway Act, sec. 8(f).
	Amended by 1973 Highway Act, sec. 115.

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
114(b)	1956 Act, June 20(70 Stat. 314). Amended by 1982 Surface Transportation Assistance Act, sec. 148.
115(a)	1956 Act, sec. 108(h). Amended by 1968 Highway Act, sec. 25(a). Amended by 1974 Highway Amendments, sec. 111(a). Amended by 1982 Surface Transportation Assistance Act, sec. 113(c).
115(b)	Added by 1974 Highway Amendments, sec. 111(b). Amended by Public Law 96–106, sec. 4, Nov. 9, 1979. Amended by 1982 Surface Transportation Assistance Act, sec. 113(a), and (b).
115(c)	1956 Act, sec. 108(h). Amended by 1968 Highway Act, sec. 25(b); formerly 115(b) but relettered (c) by 1974 Highway Amendments, sec. 111(b). Amended by 1982 Surface Transportation Assistance Act, sec. 113(d).
116(a)	1950 Act, sec. 6. Amended by Act of June 25, 1959 (73 Stat. 141), sec. 21(e)(3).
116(b)	1950 Act, sec. 6.
116(c)	1950 Act, sec. 6. Amended by 1982 Surface Transportation Assistance Act. sec. 114.
116(d)	1956 Act, sec. 107(a). Repealed by Act of June 25, 1959 (73 Stat. 141), sec. 21(d)(2).
116(d)	Added by 1968 Highway Act, sec. 26. Amended by 1978 Surface Transportation Assistance Act, sec. 124(d).
116(e)	Added by 1968 Highway Act, sec. 26.
117(a)	1954 Act, sec. 1. 1956 Act, sec. 102(b). 1958 Act, sec. 1(b). Amended by 1973 Highway Act, sec. 116(a). Amended by 1976 Highway Act, sec. 116(a).
117(b)	1954 Act, sec. 1. 1956 Act, sec. 102(b). 1958 Act, sec. 1(b). Amended by 1973 Highway Act, sec. 116(a).
117(c)	1954 Act, sec. 1. 1956 Act, sec. 102(b). 1958 Act, sec. 1(b). Amended by 1973 Highway Act, sec. 116(a).
117(d)	Added by 1973 Highway Act, sec. 116(a).
117(e)	Added by 1973 Highway Act, sec. 116(a). Amended by Public Law 97–499, sec. 5(d), Jan. 12, 1983.
117(f)	Added by 1976 Highway Act, sec. 116(b).
118(a)	1936 Act, sec. 1(b). 1944 Act, sec. 2.
118(b)	1954 Act, sec. 1, para. 4. 1954 Act, sec. 2(b) and (c). 1958 Act, sec. 1(b). Amended by 1976 Highway Act, sec. 117(a). Amended by 1978 Surface Transportation Assistance Act, sec. 115(a). Amended by Public Law 96–106, sec. 5(a), Nov. 9, 1979. Amended by 1982 Surface Transportation Assistance Act, sec. 115(a).
118(c)	Added by 1982 Surface Transportation Assistance Act, sec. 115(b).
118(d)	Added by 1982 Surface Transportation Assistance Act, sec. 115(b).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
118(e)	1936 Act, sec. 1(b). 1956 Act, sec. 108(f) and (g). Formerly subsec. 118(c)—relettered as (e) by 1982 Surface Transportation Assistance Act, sec. 115(b).
118(f)	Added by 1966 Highway Act, sec. 7(a). Formerly subsec. 118(d)—relettered as (f) by 1982 Surface Transportation Assistance Act, sec. 115(b).
119	1956 Act, sec. 107(a), (b), and (c). Repealed by Act of June 25, 1959 (73 Stat. 141). Added by 1978 Surface Transportation Assistance Act, sec. 116(a).
119(a)	Amended by 1981 Highway Act, secs. 6(a) and 7. Amended by 1982 Surface Transportation Assistance Act, sec. 116(a)(1) and (2).
119(b)	Amended by Public Law 96-106, sec. 18, Nov. 9, 1979. Amended by 1981 Highway Act, sec. 6(b).
119(c)	Added by 1981 Highway Act, sec. 6(b). Relettered as (c) by 1982 Surface Transportation Assistance Act, sec. 116(b).
119(d)	Added by 1982 Surface Transportation Assistance Act, sec. 116(c).
120	Amended by 1970 Highway Act, sec. 108, effective June 30, 1973.
120(a)	1944 Act, sec. 5(a). 1950 Act, sec 7. Amended by Act of June 25, 1959 (73 Stat. 141), sec. 21(e)(4). Amended by 1960 Highway Act, sec. 3. Amended by 1968 Highway Act, sec. 34. Amended by 1970 Highway Act, sec. 106(f). Amended by 1978 Surface Transportation Assistance Act, sec. 129(a).
120(b)	1954 Act. sec. 2(a).
120(c)	1956 Act. sec. 108(e). Amended by 1982 Surface Transportation Assistance Act, sec. 117(a).
120(d)	1944 Act, sec. 5(a). Amended by 1978 Surface Transportation Assistance Act, sec. 129(b). Amended by 1982 Surface Transportation Assistance Act, secs. 117(b) and 123(a).
120(e)	New language—Codification of Title 23.
120(f)	1956 Act, sec. 118. Amended by 1959 Highway Act, sec. 107(b). Amended by Act of Oct. 13, 1964 (78 Stat. 1090). Amended by 1966 Highway Act, sec. 9(a). Amended by 1968 Highway Act, sec. 27(b). Amended by 1970 Highway Act, sec. 109(b). Amended by 1978 Surface Transportation Assistance Act, sec. 129(c). Amended by 1982 Surface Transportation Assistance Act, sec. 153(f).
120(g)	1950 Act, sec. 8.
120(h)	1956 Act, sec. 107(a). Repealed by Act of June 25, 1959 (73 Stat. 141), sec. 21(d)(4). Added by 1970 Highway Act, sec. 128.
120(i)	Added by 1978 Surface Transportation Assistance Act, sec. 129(2). Amended by 1982 Surface Transportation Assistance Act, sec. 156(c).
120(j)	Added by 1982 Surface Transportation Assistance Act, sec. 117(c).
120(k)	Added by 1982 Surface Transportation Assistance Act, sec. 109(b).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
121(a)	1921 Act, sec. 13, para. 2.
	1958 Act, sec. 10.
	Amended by 1973 Highway Act, sec. 117.
121(b)	1921 Act, sec. 13, para. 1.
121(c)	1916 Act, sec. 6, para. 1.
	1921 Act, sec. 6, para. 3.
121(d)	1916 Act, sec. 6, para. 1.
	1921 Act, sec. 11, para. 1.
	Amended by 1963 Highway Act, sec. 7.
	Amended by 1976 Highway Act, sec. 118.
121(e)	1921 Act, sec. 13, para. 3.
122	1950 Act, sec. 5, para. 3.
	Amended by 1978 Surface Transportation Assistance Act, sec. 115(b).
	Amended by 1982 Surface Transportation Assistance Act, sec. 107(f).
123(a)	1956 Act, sec. 111(a).
	1958 Act, sec. 11(a).
123(b)	1956 Act, sec. 111(b).
123(c)	1956 Act, sec. 111(c).
124	1956 Act, sec. 110(b).
	Lettered as (a) by 1978 Surface Transportation Assistance Act, sec. 118.
124(b)	Added by 1978 Surface Transportation Assistance Act, sec. 118.
125(a)	1956 Act, sec. 118.
	Amended by 1959 Highway Act, sec. 107(a).
	Amended by 1966 Highway Act, sec. 9(c).
	Amended by 1968 Highway Act, sec. 27(a).
	Amended by 1970 Highway Act, sec. 109(a).
	1972 Highway Emergency Relief Act, Aug. 3 (86 Stat. 503).
	Amended by 1976 Highway Act, sec. 119(a).
	Amended by 1978 Surface Transportation Assistance Act, sec. 119.
	Amended by 1982 Surface Transportation Assistance Act, sec. 153(a) and (c).
125(b)	1956 Act, sec. 118.
	Amended by 1959 Highway Act, sec. 107(a).
	Amended by 1976 Highway Act, sec. 119(b).
	Amended by Pub. L. 96-106, sec. 16, Nov. 9, 1979.
	Amended by 1982 Surface Transportation Assistance Act, sec. 153(d), (h)(1).
125(c)	Added by 1959 Highway Act, sec. 107(a).
	Amended by 1966 Highway Act, sec. 9(b).
	Amended by 1982 Surface Transportation Assistance Act, sec. 153(h)(2).
126(a)	1934 Act, sec. 12.
126(b)	1934 Act, sec. 12.
	1940 Act, sec. 16.
127	1956 Act, sec. 108(j).
	Amended by Act of July 12, 1960 (74 Stat. 411), sec. 17(e).
	Amended by 1974 Highway Amendments, sec. 106 (a) and (b).
	Amended by 1976 Highway Act, sec. 120.
	Amended by 1982 Surface Transportation Assistance Act, sec. 133.
128(a)	1956 Act, sec. 116(c).
	1958 Act, sec. 13.
	Amended by 1968 Highway Act, sec. 24.
	Amended by 1970 Highway Act, sec. 135(a).
128(b)	1956 Act, sec. 116(c).
	Amended by 1970 Highway Act, sec. 135(b).
129(a)	1927 Act, Mar. 4 (44 Stat. 1398).
	1933 Act, June 16 (48 Stat. 204), sec. 204(g).
	1972 International Bridge Act, sec. 7, Sept. 26 (86 Stat. 732).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
129(b)	1956 Act, sec. 113(a).
	Amended by 1968 Highway Act, sec. 28.
	Amended by 1973 Highway Act, sec. 118(a).
129(c)	1956 Act, sec. 113(b).
	Amended by 1960 Highway Act, sec. 8(a).
129(d)	1956 Act, sec. 113(c) and (d).
129(e)	Added by 1970 Highway Act, sec. 133.
	Amended by 1973 Highway Act, sec. 118(b).
129(f)	Added by 1960 Highway Act, sec. 5.
	(e) relettered as (f) by 1970 Highway Act, sec. 133.
129(g)	Added by 1970 Highway Act, sec. 139, relettered as "(f)" in error.
	Redesignated as "(g)" by 1973 Highway Act, sec. 139(a).
	Amended by 1973 Highway Act, Sec. 139(b).
	Amended by 1974 Highway Amendments, sec. 108.
	Amended by 1976 Highway Act, sec. 121.
129(h)	Added by 1973 Highway Act, sec. 132.
129(i)	Added by 1978 Surface Transportation Assistance Act, sec. 120.
130(a)	1944 Act, sec. 5(a)—2d proviso.
130(b)	1944 Act, sec. 5(b).
130(c)	1944 Act, sec. 5(b).
131(a) to (e)	Added by 1958 Highway Act, sec. 12.
131(b)	Amended by 1959 Highway Act, sec. 106.
	Amended by 1974 Highway Amendments, sec. 109(a).
131(c)	Amended by 1963 Highway Act, sec. 5.
	Amended by 1974 Highway Amendments, sec. 109(b).
	Amended by 1978 Surface Transportation Assistance Act, secs. 121, 122(c).
	Amended by Public Law 96-106, sec. 6, Nov. 9, 1979.
131(a) to (m)	Revised by Highway Beautification Act of 1965, sec. 101.
131(d)	Amended by 1968 Highway Act, sec. 6(a).
131(f)	Amended by 1976 Highway Act, sec. 122(a).
131(g)	Amended by 1974 Highway Amendments, sec. 109(c).
	Amended by 1978 Surface Transportation Assistance Act, sec. 122(a).
131(i)	Amended by 1976 Highway Act, sec. 122(c).
131(j)	Amended by 1968 Highway Act, sec. 6(b).
	Amended by 1978 Surface Transportation Assistance Act, sec. 122(d).
131(k)	Amended by 1978 Surface Transportation Assistance Act, sec. 122(b).
131(m)	Amended by 1966 Highway Act, sec. 8(a).
	Amended by 1968 Highway Act, sec. 6(c).
	Amended by 1970 Highway Act, sec. 122(a).
131(n)	Added by 1968 Highway Act, sec. 6(d).
131(o)	Added by 1976 Highway Act, sec. 122(b).
131(p)	Added by 1976 Highway Act, sec. 122(b).
131(q)	Added by 1976 Highway Act, sec. 122(b).
132	Added by 1960 Highway Act, sec. 4.
133	Added by 1962 Highway Act, sec. 5.
	Repealed effective July 1, 1970, by 1968 Highway Act, sec. 37.
134	Added by 1962 Highway Act, sec. 9.
134(a)	Lettered as (a) and amended by 1970 Highway Act, sec. 143(a).
	Amended by 1978 Surface Transportation Assistance Act, sec. 169(a).
134(b)	Added by 1978 Surface Transportation Assistance Act, sec. 169(b).
134(c)	Added by 1970 Highway Act, sec. 143(b).
	(b) relettered as (c) by 1978 Surface Transportation Assistance Act, sec. 169(b).
135	Enacted as "Highway Safety Programs" by 1965 Highway Act, sec. 4.
	Repealed by Highway Safety Act of 1966, sec. 102(a).
	Added by 1968 Highway Act, sec. 10 as "Urban Area Traffic Operations Improvement Programs".

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
	Retitled by 1976 Highway Act, sec. 123(a) as "Traffic Operations Improvement Programs".
135(a)	Added by 1968 Highway Act, sec. 10. Amended by 1976 Highway Act, sec. 123(a).
135(b)	Added by 1968 Highway Act, sec. 10. Amended by 1970 Highway Act, secs. 106(g) and 125.
135(c)	Added by 1968 Highway Act, sec. 10. Repealed by 1973 Highway Act, sec. 119.
135(d)	Added by 1968 Highway Act, sec. 10. Relettered as (c) by 1973 Highway Act, sec. 119; deleted by 1976 Highway Act, sec. 123(a).
136	Added by Highway Beautification Act of 1965, sec. 201.
136(j)	Amended by 1974 Highway Amendments, sec. 110.
136(m)	Amended by 1966 Highway Act, sec. 8(a). Amended by 1968 Highway Act, sec. 6(e). Amended by 1970 Highway Act, sec. 122(b).
137	Added by 1966 Highway Act, sec. 8(c). Amended by 1970 Highway Act, sec. 134(a) and (b).
137(f)	Added by 1982 Surface Transportation Assistance Act, sec. 118.
138	Added by 1966 Highway Act, sec. 15. Amended by 1968 Highway Act, sec. 18(a). Amended by 1976 Highway Act, sec. 124.
139	Added by 1968 Highway Act, sec. 16.
139(a)	Lettered as (a) by 1970 Highway Act, sec. 140. Amended by 1982 Surface Transportation Assistance Act, sec. 116(a)(3).
139(b)	Added by 1970 Act, sec. 140. Amended by 1976 Highway Act, sec. 125.
139(c)	Added by 1981 Highway Act, sec. 10.
140	Added by 1968 Highway Act, sec. 22(a) and (b).
140(a)	Lettered as (a) by 1970 Highway Act, sec. 110. Amended by 1982 Surface Transportation Assistance Act, sec. 119(a).
140(b)	Added by 1970 Highway Act, sec. 110. Amended by 1973 Highway Act, sec. 120. Amended by 1976 Highway Act, sec. 126.
140(c)	Added by 1982 Surface Transportation Assistance Act, sec. 119(b).
141	Added by 1974 Highway Amendments, sec. 107(a). Amended by 1978 Surface Transportation Assistance Act, sec. 123(d).
141(d)	Added by 1982 Surface Transportation Assistance Act, sec. 143.
142	Added by 1970 Highway Act, sec. 111. Amended by 1973 Highway Act, sec. 121.
142(a)	Amended by 1976 Highway Act, sec. 127(a). Amended by 1982 Surface Transportation Assistance Act, sec. 120(a), (b)(1).
142(b)	Amended by 1982 Surface Transportation Assistance Act, sec. 120(b)(2).
142(e)	Amended by 1976 Highway Act, sec. 127(b).
142(f)	Amended by 1982 Surface Transportation Assistance Act, sec. 120(b)(3).
143(a)	1970 Highway Act, sec. 127; amended by 1973 Highway Act, sec. 122(a) and (c).
143(b)	1970 Highway Act, sec. 127.
143(c)	1970 Highway Act, sec. 127.
143(d)	1970 Highway Act, sec. 127.
143(e)	Added by 1973 Highway Act, sec. 122(b).
144	Added by 1970 Highway Act, sec. 204. Amended by 1973 Highway Act, sec. 204. Amended by 1974 Highway Amendments, sec. 113. Retitled and amended by 1978 Surface Transportation Assistance Act, sec. 124(a).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
144(d)	Amended by Pub. L. 96–106, sec. 7(a), Nov. 9, 1979.
144(e)	Amended by 1982 Highway Act, sec. 5(c)(1).
144(g)	Amended by Public Law 96–106, sec. 8(a), Nov. 9, 1979.
	Amended by 1982 Highway Act, sec. 5(c)(2).
	Amended by 1982 Surface Transportation Assistance Act, sec. 122(a).
144(m)	Amended by Public Law 96–106, sec. 7(b), Nov. 9, 1979.
145	Added by 1973 Highway Act, sec. 123.
146	Added by 1973 Highway Act, sec. 125.
	Repealed by 1976 Highway Act, sec. 128(a).
	Added by 1978 Surface Transportation Assistance Act, sec. 126(a).
147	Added by 1973 Highway Act, sec. 126.
147(b)	Amended by 1976 Highway Act, sec. 130.
148	Added by 1973 Highway Act, sec. 129(b).
148(a)(5)	Amended by 1978 Surface Transportation Assistance Act, sec. 125(b).
148(e)	Amended by 1978 Surface Transportation Assistance Act, sec. 129(d).
148(h)	Added by 1978 Surface Transportation Assistance Act, sec. 125(a).
149	Added by 1973 Highway Act, sec. 142.
150	Added by 1973 Highway Act, sec. 157(a).
	Amended by 1982 Surface Transportation Assistance Act, sec. 124.
151	Added by 1973 Highway Act, sec. 205(a).
151(c)	Amended by 1976 Highway Act, sec. 207(a).
151(e)	Amended by 1978 Surface Transportation Assistance Act, sec. 127.
151(g)	Amended by 1976 Highway Act, sec. 207(b).
	Amended by Public Law 96–470, sec. 209(c), Oct. 19, 1980.
	Amended by Public Law 97–375, sec. 111(a), Dec. 21, 1982.
152	Added by 1973 Highway Act, sec. 209(a).
	Amended by 1976 Highway Act, sec. 131.
	Amended by 1978 Surface Transportation Assistance Act, sec. 168(a).
152(c)	Amended by 1982 Surface Transportation Assistance Act, sec. 125.
152(g)	Amended by Public Law 96–106, sec. 10(b), Nov. 9, 1979.
	Amended by Public Law 97–375, sec. 210(b), Dec. 21, 1982.
153	Added by 1973 Highway Act, sec. 210(a).
	Amended by 1976 Highway Act, sec. 130.
	Repealed by 1978 Surface Transportation Assistance Act, sec. 168(b).
154	Added by 1974 Highway Amendments, sec. 114(a).
	Amended by 1978 Surface Transportation Assistance Act, sec. 205.
154(f)	Amended by Public Law 97–35, sec. 1108(a), Aug. 13, 1981.
154(i)	Repealed by Public Law 97–35, sec. 1108(b), Aug. 13, 1981.
155	Added by 1974 Highway Amendments, sec. 115(a).
	Amended by 1978 Surface Transportation Assistance Act, sec. 129(e).
156	Added by 1976 Highway Act, sec. 132(a).
157	Added by 1982 Surface Transportation Assistance Act, sec. 150(a).
201	Prior authorization acts are not repealed under the act.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(f) (96 Stat. 2116).
202(a)	1950 Act, sec. 3.
	1958 Act, sec. 3(a).
	Amended by 1976 Highway Act, sec. 133.

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(a) (96 Stat. 2113).
202(b)	1921 Act, sec. 23(a).
	1956 Act, sec. 103(b).
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(a) (96 Stat. 2113).
202(c)	1930 Act, June 24 (46 Stat. 805).
	1950 Act, sec. 10.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(a) (96 Stat. 2113).
202(d)	Added by 1982 Surface Transportation Assistance Act, sec. 126(a) (96 Stat. 2113).
203	1956 Act. sec. 106.
	1958 Act, sec. 6.
	Amended by 1960 Highway Act, sec. 8(b).
	Amended by 1962 Highway Act, sec. 7.
	Amended by 1976 Highway Act, sec. 117(b).
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(f) (96 Stat. 2116).
204(a)	1921 Act, sec. 23(a) an d(c).
	Amended by 1982 Surface Transporttion Assistance Act, sec. 126(b) (96 Stat. 2114).
204(b)	1921 Act, sec. 23(b).
	Amended by 1982 Surface Transportaion Assistance Act, sec. 126(b) (96 Stat. 2114).
204(c)	1921 Act, sec. 23(d).
	Amended by 1982 Surface Transportation assistance Act, sec. 126(b) (96 Stat. 2114).
204(d)	1950 Act, sec. 3.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(b) (96 Stat. 2114).
204(e)	1948 Act, sec. 3(a).
	Amended by 1982 Surface Transportation Assistance Act. sec. 126(b) (96 Stat. 2114).
204(f)	1956 Act, sec. 103(a).
	1958 Act, sec. 3(a).
	Amended by 1982 Surface Transportation Assistance Act, sec. 126(b) (96 Stat. 2114).
204(g)	Added by 1982 Surface Transportation Assistance Act, sec. 126(b) (96 Stat. 2114).
204(h)	Added by 1982 Surface Transportation Assistance Act, sec. 126(b) (96 Stat. 2114).
205(a)	1921 Act, sec. 23 (a) and (c).
	1942 Act, July 22 (56 Stat. 682).
	Amended by 1960 Highway Act, sec. 8(c).
	Amended by 1964 Highway Act, sec. 4(d).
205(b)	1921 Act, sec. 23(b).
205(c)	1921 Act, sec. 23(d).
	1948 Act, sec. 3(c).
	Amended by 1968 Highway Act, sec. 9.
205(d)	1956 Act, sec. 103(a).
	1958 Act, sec. 3(a).
206(a)	1956 Act, sec. 104(a).
	1958 Act, sec. 4(a).
	Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
206(b)	1950 Act, sec. 4(a)
	Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
207(a)	1956 Act, sec. 104(b).
	1958 Act, sec. 4(b).
	Amended by 1973 Highway Act, sec. 150.

Table II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
	Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
207(b)	1950 Act, sec. 4(b). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
207(c)	1940 Act, sec. 9. Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
207(d)	Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
208(a)	1956 Act, sec. 104(c). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
208(b)	1956 Act, sec. 104(c). 1958 Act, sec. 4(c). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
208(c)	Added by 1974 Highway Amendment, sec. 102(c). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
208(d)	1928 Act, May 26 (45 Stat. 750); formerly 208(c) but relettered as (d) by 1974 Highway Amendments, sec. 102(c). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
208(e)	Added by Act of Sept. 22, 1961 (75 Stat. 584); formerly 208(d) but relettered as (e) by 1974 Highway Amendments, sec. 102(c). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
209(a)	1956 Act, sec. 105. 1958 Act, sec. 5. Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
209(b)	1930 Act, June 24 (46 Stat. 805). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
209(c)	1930 Act, June 24 (46 Stat. 805). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
209(d)	Added by 1964 Highway Act, sec. 4(b). Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
210(a)	1941 Act, sec. 6. 1942 Act, sec. 1(b). 1950 Act, sec. 12.
210(b)	1941 Act, sec. 6.
210(c)	1950 Act, sec. 12. 1951 Act, Oct. 16 (65 Stat. 422). Amended by 1982 Surface Transportation Assistance Act, sec. 155.
210(d)	1952 Act, sec. 10.
210(e)	1941 Act, sec. 14.
210(f)	New language.
210(g)	Added by 1960 Highway Act, sec. 8(d).
210(h)	Added by 1961 Highway Act, sec. 105.
211	1952 Act, sec. 10. 1954 Act, sec. 3. 1956 Act, sec. 103(a). 1958 Act, sec. 3(a).
212(a)	1950 Act, sec. 11. 1954 Act, sec. 7.
212(a)(5)	Limitation relating to obligation of funds (not an amendment) 1962 Highway Act, sec. 4.
212(b)	1941 Act, Dec. 26 (55 Stat. 860), sec. 2.
212(c)	1941 Act, Dec. 26 (55 Stat. 860), sec. 3.

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
213(a)	1952 Act, sec. 5(a).
213(b)	1952 Act, sec. 5(b).
213(c)	1954 Act, sec. 8.
214	Added by 1962 Highway Act, sec. 6(b).
214(c)	Repealed by 1982 Surface Transportation Assistance Act, sec. 126(d) (96 Stat. 2114).
215	Added by 1970 Highway Act, sec. 112(a) and (b).
	Amended by 1978 Surface Transportation Assistance Act, sec. 129(f).
215(f)	Amended by Public Law 96-106, sec. 9, Nov. 9, 1979.
216	Added by 1970 Highway Act, sec. 113(a) and (b).
217(a)	1973 Highway Act, sec. 124.
	Amended by 1978 Surface Transportation Assistance Act, sec. 141(h).
	Amended by 1982 Surface Transportation Assistance Act, sec. 126 (96 Stat. 2116).
217(b)	1973 Highway Act, sec. 124.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126 (96 Stat. 2116).
217(c)	1973 Highway Act, sec. 124.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126 (96 Stat. 2116).
217(d)	1973 Highway Act, sec. 124.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126 (96 Stat. 2117).
217(e)	1973 Highway Act, sec. 124.
	Amended by 1976 Highway Act, sec. 134.
	Amended by 1982 Surface Transportation Assistance Act, sec. 126 (96 Stat. 2117).
217(f)	Added by 1982 Surface Transportation Assistance Act, sec. 126, (96 Stat. 2117).
217(g)	Added by 1982 Surface Transportation Assistance Act, sec. 126, (96 Stat. 2117).
217(h)	Added by 1982 Surface Transportation Assistance Act, sec. 126 (96 Stat. 2117).
218	Added by 1973 Highway Act, sec. 127.
218(a)	Amended by 1982 Surface Transportation Assistance Act, sec. 158.
219	Added by 1974 Highway Amendments, sec. 122(a).
	Amended and retitled as "Safer Off-System Roads" by 1976 Highway Act, sec. 135.
219(c)	Amended by 1978 Surface Transportation Assistance Act, sec. 168(d).
	Amended by Public Law 96-106, sec. 10(a), Nov. 9, 1979.
301	1916 Act, sec. 1.
302(a)	1921 Act, sec. 2.
	1950 Act, sec. 2.
	Amended by 1966 Highway Act, sec. 11.
302(b)	1950 Act, sec. 2.
303(a)	1939—Reorganization Plan No. 1 (53 Stat. 1426), sec. 301(a).
	1949—Reorganization Plan No. 7 (63 Stat. 1070).
	1950—Reorganization Plan No. 5 (64 Stat. 1263).
	1956 Act, Aug. 3 (70 Stat. 990), secs. 1, 2, and 3.
	Amended by Act of Oct. 4, 1961 (75 Stat. 822), sec. 1.
	Amended by Act of Aug. 14, 1964 (78 Stat. 400), sec. 305(24).
	Amended by DOT Act, sec. 3(f)(4).
	Amended by 1970 Highway Act, sec. 114(a).
	Repealed by Public Law 97-449, sec. 7(b), Jan. 12, 1983.
303(b)	1916 Act, sec. 9.
	1956 Act, June 20 (70 Stat. 314).
	Repealed by Public Law 97-499, sec. 7(b), Jan. 12, 1983.
303(c)	1956 Act, June 20 (70 Stat. 314).
	Repealed by Public Law 97-499, sec. 7(b), Jan. 12, 1983.
304	1956 Act, sec. 116(d).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
305	1956 Act, sec. 120.
	Amended by 1960 Highway Act, sec. 8(e).
306	1956 Act, sec. 121.
307(a)	1954 Act, sec. 10(a).
	Amended by Highway Safety Act of 1966, sec. 103.
	Amended by 1970 Highway Act, sec. 115(c).
307(b)	1954 Act, sec. 10(b).
	Amended by Public Law 96–470, sec. 112(b)(2), Oct. 19, 1980.
307(c)	1944 Act, sec. 8.
	Amended by 1962 Highway Act, sec. 11.
307(c)(1)	Amended by 1963 Highway Act, sec. 6.
	Amended by 1973 Highway Act, sec. 151.
	Amended by 1982 Surface Transportation Assistance Act, sec. 156(d).
307(c)(2)	Amended by 1982 Surface Transportation Assistance Act, sec. 156(b).
307(c)(3)	Amended by 1970 Highway Act, sec. 126.
307(c)(5)	Added by 1982 Surface Transportation Assistance Act, sec. 156(a).
307(d)	Added by Highway Safety Act of 1966, sec. 103.
307(e)	Added by 1982 Surface Transportation Assistance Act, sec. 161(a).
308(a)	1941 Act, sec. 15.
	1956 Act, June 20 (70 Stat. 314).
308(b)	1956 Act, June 20 (70 Stat. 314).
	Amended by 1973 Highway Act, sec. 152(5).
309	1956 Act, June 20 (70 Stat. 314).
310	1954 Act, sec. 9.
311	1940 Act, sec. 18.
312	1941 Act, sec. 17.
	Amended by 1973 Highway Act, sec. 152(6).
313	1950 Act, sec. 14.
	1952 Act, sec. 9.
	Repealed by Highway Safety Act of 1966, sec. 102.
314	1956 Act, June 20 (70 Stat. 314).
	Amended by 1973 Highway Act, sec. 152(6).
315	1921 Act, sec. 18.
316	1921 Act, sec. 16.
317(a)	1921 Act, sec. 17, para. 1.
317(b)	1921 Act, sec. 17, para. 2.
317(c)	1921 Act, sec. 17, para. 3.
317(d)	1921 Act, sec. 17, para. 3.
318	1944 Act, sec. 11
319	1940 Act, sec. 11.
319	Revised by Highway Beautification Act of 1965, sec. 301.
	Amended by 1966 Highway Act, sec. 8(b).
	Amended by 1968 Highway Act, sec. 6(f).
	Amended by 1976 Highway Act, sec. 136.
320(a)	1946 Act, July 29 (60 Stat. 709), sec. 1.
320(b)	1946 Act, July 29 (60 Stat. 709), sec. 2.
	1964 Act, sec. 4(c).
320(c)	1946 Act, July 29 (60 Stat. 709), sec. 3.
320(d)	1946 Act, July 29 (60 Stat. 709), sec. 4.
	1959 Act, sec. 108.
	Amended by 1970 Highway Act, sec. 116(a).
	Amended by 1973 Highway Act, sec. 128(a).
	Amended by 1974 Highway Amendments, sec. 123(a).
	Amended by 1976 Highway Act, sec. 137(a).
	Amended by 1978 Surface Transportation Assistance Act, sec. 128(a).
320(e)	1946 Act, July 29 (60 Stat. 709), sec. 5.
320(f)	1946 Act, July 29 (60 Stat. 709), sec. 6.
321	Added by 1970 Highway Act, sec. 115(a) and (b).

TABLE II.—*Title 23 U.S.C., sources by sections—Continued*

Sections of title 23	Source law at the time of codification in 1958, amendments, additions, and repeals since 1958
321(b)	Amended by Public Law 96-106, sec. 11, Nov. 9, 1979.
322	Added by 1970 Highway Act, sec. 205. Amended by 1974 Highway Amendments, sec. 117. Amended by Public Law 97-449, sec. 5(d), Jan. 12, 1983.
323	Added by 1973 Highway Act, sec. 145. Amended by 1974 Highway Amendments, sec. 112.
324	Added by 1973 Highway Act, sec. 162(a).
Ch. 4 (Secs. 401–408).	Added by Highway Safety Act of 1966, sec. 101.
401	Amended by 1973 Highway Act, sec. 218.
402(a)	Amended by 1973 Highway Act, sec. 231(a). Amended by 1978 Surface Transportation Assistance Act, sec. 207(a).
402(b)(1)(A)	Amended by 1970 Highway Act, sec. 203(d), effective Dec. 31, 1971. Amended by 1978 Surface Transportation Assistance Act, sec. 207(b)(1).
402(b)(1)(D)	Repealed by Public Law 97-35, sec. 1107(e), Aug. 13, 1981.
402(b)(1)(E)	Amended by 1973 Highway Act, sec. 231(b). Relettered as (D) by Public Law 97-35, sec. 1107(e), Aug. 13, 1981.
402(b)(1)(F)	Added by 1973 Highway Act, sec. 228. Relettered as (E) by Public Law 97-35, sec. 1107(e), Aug. 13, 1981.
402(b)(1)(G)	Added by 1978 Surface Transportation Assistance Act, sec. 207(c). Relettered as (F) by Public Law 97-35, sec. 1107(e), Aug. 13, 1981.
402(c)	Amended by 1968 Highway Act, sec. 203(d). Amended by 1970 Highway Act, sec. 202(c). Amended by 1973 Highway Act, sec. 215, 216, and 217. Amended by 1976 Highway Act, sec. 208(a), 211, and 212. Amended by 1982 Surface Transportation Assistance Act, sec. 208.
402(d)	Amended by 1970 Highway Act, sec. 202(d). Amended by 1973 Highway Act, sec. 207(b). Amended by 1978 Surface Transportation Assistance Act, sec. 207(d).
402(h)	Added by 1970 Highway Act, sec. 202 (e). Amended by 1973 Highway Act, sec. 229. Repealed by Public Law 97-35, sec.1107(c), Aug. 13, 1981.
402(i)	Added by 1973 Highway Act, sec. 207(a).
402(j)	Added by 1973 Highway Act, sec. 219. Amended by 1976 Highway Act, sec. 204. Amended by Public Law 97-35, sec. 1107(d), Aug. 13, 1981.
403(a)	Relettered as (a) 1973 Highway Act, sec. 208(a).
403(b)	Added by 1973 Highway Act, sec. 208(a).
403(c)	Added by 1973 Highway Act, sec. 208(a).
403(d)	Added by 1973 Highway Act, sec. 208.(a)
403(e)	Added by 1973 Highway Act, sec. 222.
403(f)	Added by 1973 Highway Act, sec. 226.
404(a)	Amended by Public Law 90-150 (81 Stat. 507). Technical amendment—1973 Highway Act, sec. 223.
405	Added by 1973 Highway Act, sec. 230. Amended by 1974 Highway Act, sec. 121. Repealed by 1976 Highway Act, sec. 135(c).
406	Added by 1974 Highway Act, sec. 126(a). Amended by 1976 Highway Act, sec. 205. Amended by 1978 Surface Transportation Assistance Act, sec. 129(g).
407	Added by 1978 Surface Transportation Assistance act, sec. 208(a).
408	Added by Public Law 97-264, sec. 101(a), Oct. 25, 1982

SUBPART E. HIGHWAY TRUST FUND LAWS—HIGHWAY TRUST FUND, CODIFICATION OF (26 USC 9503); HIGHWAY REVENUE ACT OF 1956, AS AMENDED; AND SECTIONS OF TITLE 26, UNITED STATES CODE, "INTERNAL REVENUE CODE"

TITLE V—HIGHWAY REVENUE ACT OF 1982

(26 USC 9503)

PUBLIC LAW 97-424—JAN. 6, 1983

Sec. 9503. Highway trust fund

(a) Creation of trust fund.—There is established in the Treasury of the United States a trust fund to be known as the "Highway Trust Fund", consisting of such amounts as may be appropriated or credited to the Highway Trust Fund as provided in this section or section 9602(b).

(b) Transfer to highway trust fund of amounts equivalent to certain taxes.—

(1) In general.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the taxes received in the Treasury before October 1, 1988, under the following provisions—

(A) section 4041 (relating to taxes on diesel fuels and special motor fuels).

(B) section 4051 (relating to retail tax on heavy trucks and trailers),

(C) section 4061 (relating to tax on trucks and truck parts),

(D) section 4071 (relating to tax on tires and tread rubber),

(E) section 4081 (relating to tax on gasoline),

(F) section 4091 (relating to tax on lubricating oil), and

(G) section 4481 (relating to tax on use of certain vehicles).

(2) Liabilities incurred before October 1, 1988.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the taxes which are received in the Treasury after September 30, 1988, and before July 1, 1989, and which are attributable to liability for tax incurred before October 1, 1988, under the provisions described in paragraph (1).

(3) Adjustments for aviation uses.—The amounts described in paragraphs (1) and (2) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 9502(b) with respect to such period.

(c) Expenditures from Highway Trust Fund.—

(1) Federal-aid highway program.—Except as provided in subsection (e), amounts in the Highway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before October 1, 1988, to meet those obligations of the United States heretofore or hereafter incurred which are—

(A) authorized by law to be paid out of the Highway Trust Fund established by section 209 of the Highway Revenue Act of 1956,

(B) authorized to be paid out of the Highway Trust Fund under title I or II of the Surface Transportation Assistance Act of 1982, or

(C) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A) or (B) as in effect on December 31, 1982.

(2) Transfers from Highway Trust Fund for certain repayments and credits.—

(A) In general.—The Secretary shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to—

(i) the amounts paid before July 1, 1989, under—

(I) section 6420 (relating to amounts paid in respect of gasoline used on farms).

(II) section 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems),

(III) section 6424 (relating to amounts paid in respect of lubricating oil used for certain nontaxable purposes), and

(IV) section 6427 (relating to fuels not used for taxable purposes),

on the basis of claims filed for periods ending before October 1, 1988, and

(ii) the credits allowed under section 39 (relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil used before October 1, 1988.

(B) Transfers based on estimates.—Transfers under subparagraph (A) shall be made on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(C) Exception for use in aircraft and motorboats.—This paragraph shall not apply to amounts estimated by the Secretary as attributable to use of gasoline and special fuels in motorboats or in aircraft.

(3) 1988 floor stocks refunds.—The Secretary shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to the floor stocks refunds made before July 1, 1989, under section 6412(a).

(4) Transfers from the trust fund for motorboat fuel taxes.—

(A) Transfer to National Recreational Boating Safety and Facilities Improvement Fund.—

(i) In general.—The Secretary shall pay from time to time from the Highway Trust Fund into the National Recreational Boating Safety and Facilities Improvement Fund established by section 202 of the Recreational Boating Fund Act amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 1980, and before October 1, 1988.

(ii) Limitations.—

(I) Limit on transfers during any fiscal year.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $45,000,000.

(II) Limit on amount in fund.—No amount shall be transferred under this subparagraph if the Secretary determines that such transfer would result in increasing the amount in the National Recreational Boating Safety and Facilities Improvement Fund to a sum in excess of $45,000,000.

(B) Excess funds transferred to Land and Water Conservation Fund.—Any amount received in the Highway Trust Fund which is attributable to motorboat fuel taxes and which is not transferred from the Highway Trust Fund under subparagraph (A) shall be transferred by the Secretary from the Highway Trust Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965.

(C) Motorboat fuel taxes.—For purposes of this paragraph the term "motorboat fuel taxes" means the taxes under section 4041(a)(2) with respect to special motor fuels used as fuel in motorboats and under section 4081 with respect to gasoline used as fuel in motorboats.

(d) Adjustments of apportionments.—

(1) Estimates of unfunded highway authorizations and net highway receipts.—The Secretary of the Treasury, not less frequently than once in each calendar quarter, after consultation with the Secretary of Transportation, shall estimate—

(A) the amount which would (but for this subsection) be the unfunded highway authorizations at the close of the next fiscal year, and

(B) the net highway receipts for the 24-month period beginning at the close of such fiscal year.

(2) Procedure where there is excess unfunded highway authorizations.—If the Secretary of the Treasury determines for any fiscal year that the amount described in paragraph (1)(A) exceeds the amount described in paragraph (1)(B)—

(A) he shall so advise the Secretary of Transportation, and

(B) he shall further advise the Secretary of Transportation as to the amount of such excess.

(3) Adjustment of apportionments where unfunded authorizations exceed 2 years' receipts.—

(A) Determination of percentage.—If, before any apportionment to the States is made, in the most recent estimate made by the Secretary of the Treasury there is an excess referred to in paragraph (2)(B), the Secretary of Transportation shall determine the percentage which—

(i) the excess referred to in paragraph (2)(B), is of

(ii) the amount authorized to be appropriated from the Trust Fund for the fiscal year for apportionment to the States.

If, but for this sentence, the most recent estimate would be one which was made on a date which will be more than 3 months before the date of the apportionment, the Secretary of the Treasury shall make a new estimate under paragraph (1) for the appropriate fiscal year.

(B) Adjustment of apportionments.—If the Secretary of Transportation determines a percentage under subparagraph (A) for purposes of any apportionment, notwithstanding any other provision of law, the Secretary of Transportation shall apportion to the States (in lieu of the amount which, but for the provisions of this subsection, would be so apportioned) the amount obtained by reducing the amount authorized to be so apportioned by such percentage.

(4) Apportionment of amounts previously withheld from apportionment.—If, after funds have been withheld from apportionment under paragraph (3)(B), the Secretary of the Treasury determines that the amount described in paragraph (1)(A) does not exceed the amount described in paragraph (1)(B) or that the excess described in paragraph (1)(B) is less than the amount previously determined, he shall so advise the Secretary of Transportation. The Secretary of Transportation shall apportion to the States such portion of the funds so withheld from apportionment as the Secretary of the Treasury has advised him may be so apportioned without causing the amount described in paragraph (1)(A) to exceed the amount described in paragraph (1)(B). Any funds apportioned pursuant to the preceding sentence shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned pursuant to the preceding sentence.

(5) Definitions.—For purposes of this subsection—

(A) Unfunded highway authorizations.—The term "unfunded highway authorizations" means, at any time, the excess (if any) of—

(i) the total potential unpaid commitments at such time as a result of the apportionment to the States of the amounts authorized to be appropriated from the Highway Trust Fund, over

(ii) the amount available in the Highway Trust Fund at such time to defray such commitments (after all other unpaid commitments at such time which are payable from the Highway Trust Fund have been defrayed).

(B) Net highway receipts.—The term "net highway receipts" means, with respect to any period, the excess of—

(i) the receipts (including interest) of the Highway Trust Fund during such period, over

(ii) the amounts to be transferred during such period from such Fund under subsection (c) (other than paragraph (1) thereof).

(6) Reports.—Any estimate under paragraph (1) and any determination under paragraph (2) shall be reported by the Secretary of the Treasury to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committees on the Budget of both Houses, the Committee on Public Works and Transportation of the House of Representatives, and the Committee on Environment and Public Works of the Senate.

(e) Establishment of Mass Transit Account.—

(1) Creation of account.—There is established in the Highway Trust Fund a separate account to be known as the "Mass Transit Account" consisting of such amounts as may be transferred or credited to the Mass Transit Account as provided in this subsection or section 9602(b).

(2) Transfers to Mass Transit Account.—The Secretary of the Treasury shall transfer to the Mass Transit Account one-ninth of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after March 31, 1983.

(3) Expenditures from account.—Amounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital expenditures before October 1, 1988 (including capital expenditures for new projects) in accordance with section 21(a)(2) of the Urban Mass Transportation Act of 1964.

(4) Limitation.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account except that subsection (d)(1) shall be applied by substituting "12-month" for "24-month".

(Added Pub. L. 97–424, Title V, § 531(a), Jan. 6, 1983, 96 Stat. 2187.)

FEDERAL-AID HIGHWAY ACT OF 1956

Public Law 627, 84th Cong., June 29, 1956, 70 Stat. 374

TITLE II—HIGHWAY REVENUE ACT OF 1956

Sec. 201. Short title for title II.

(a) Short Title

This title may be cited as the "Highway Revenue Act of 1956".

(b) Amendment of Trust Fund

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

* * * * * * *

Sec. 209. Highway trust fund.

(a); (c)–(g). [1]

(b) Declaration of Policy

It is hereby declared to be the policy of the Congress that if it hereafter appears—

(1) that the total receipts of the Trust Fund (exclusive of advances under subsection (d)) will be less than the total expenditures from such Fund (exclusive of repayments of such advances); or

(2) that the distribution of the tax burden among the various classes of persons using the Federal-aid highways, or otherwise deriving benefits from such highways, is not equitable, the Congress shall enact legislation in order to bring about a balance of total receipts and total expenditures, or such equitable distribution, as the case may be.

Sec. 210. Investigation and report to Congress.

(a) Purpose

The Purpose of this section is to make available to the Congress information on the basis of which it may determine what taxes should be imposed by the United States, and in what amounts, in order to assure, insofar as practicable, an equitable distribution of the tax burden among the various classes of persons using the Federal-aid highways or otherwise deriving benefits from such highways.

(b) Study and investigation

In order to carry out the purpose of this section, the Secretary of Commerce is hereby authorized and directed, in cooperation with other Federal officers and agencies (particularly the Interstate Commerce

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[1] Repealed by sec. 531(b), Public Law 97–424, Jan. 6, 1983, (96 Stat. 2191).

Commission) and with the State highway departments, to make a study and investigation of—

(1) the effects on design, construction, and maintenance of Federal-aid highways of (A) the use of vehicles of different dimensions, weights, and other specifications, and (B) the frequency of occurrences of such vehicles in the traffic stream.

(2) the proportionate share of the design, construction, and maintenance costs of the Federal-aid highways attributable to each class of persons using such highways, such proportionate share to be based on the effects referred to in paragraph (1) and the benefits derived from the use of such highways, and

(3) any direct and indirect benefits accruing to any class which derives benefits from Federal-aid highways, in addition to benefits from actual use of such highways, which are attributable to public expenditures for such highways.

(c) Coordination with other studies

The Secretary of Commerce shall coordinate the study and investigation required by this section with—

(1) the research and other activities authorized by section 10 of the Federal-aid Highway Act of 1954, and

(2) the tests referred to in section 108(k) of this Act.

(d) Reports on study and investigation

The Secretary of Commerce shall report to the Congress the results of the study and investigation required by this section. The final report shall be made as soon as possible, but in no event later than January 3, 1961. On or before March 1, 1957, March 1, 1958, March 1, 1959, and March 1, 1960, the Secretary of Commerce shall report to the Congress the progress that has been made in carrying out the study and investigation required by this section. Each such report shall be printed as a House document of the session of the Congress to which the report is made. [2]

(e) Funds for study and investigation

There are hereby authorized to be appropriated out of the Highway Trust Fund such sums as may be necessary to enable the Secretary of Commerce to carry out the provisions of this section.

LAND AND WATER CONSERVATION FUND ACT OF 1965

Public Law 88–578, 88th Cong., Sept. 3, 1964, 78 Stat. 897

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[2] Amended by sec. 1 of Public Law 85–823, Aug. 28, 1959 (72 Stat. 983).

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

(16 U.S.C., 4601-11)

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. (a). There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before July 1, 1989, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 1988; and [3]

(2) 80 percent of the floor stocks refunds made before July 1, 1989, under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.[4]

* * * * * * *

Title 26. United States Code, "Internal Revenue Code"

Sec. 39. Certain uses of gasoline and special fuels

(a) General rule.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the amounts payable to the taxpayer—

(1) under section 6420 with respect to gasoline used during the taxable year on a farm for farming purposes (determined without regard to section 6420(g)),

(2) under section 6421 with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service (determined without regard to section 6421(i)), and

(3) under section 6427 with respect to fuels used for nontaxable purposes or resold during the taxable year (determined without regard to section 6427(i)).

(b) Exception.—Credit shall not be allowed under subsection (a) for any amount payable under section 6421 or 6427, if a claim for such amount is timely filed and, under section 6421(i) or 6427(i), is payable under such section.

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[3] [4] Amended by sec. 302 of Pub. L. 91-605, Dec. 31, 1970 (84 Stat. 1713); sec. 302 of Public Law 94-280, May 5, 1976 (90 Stat. 456); and sec. 503(b) of Public Law 95-599, Nov. 6, 1978 (92 Stat. 2757); sec. 531(c), Public Law 97-424, Jan. 6, 1983 (96 Stat. 2191).

As amended Pub. L. 91-258, Title II, § 207(c), May 21, 1970, 84 Stat. 248; Pub.L. 94-455, Title XIX, §§ 1901(a)(3), 1906(b)(8), (9), Oct. 4, 1976, 90 Stat. 1764, 1834; Pub.L. 94-530, § 1(c)(1), Oct. 17, 1976, 90 Stat. 2487; Pub.L. 95-599, Title V, § 505(c)(1), Nov. 6, 1978, 92 Stat. 2760; Pub. L. 95-618, Title II, § 233(b)(2)(C), Nov. 9, 1978, 92 Stat. 3191; Pub.L. 96-223, Title II, § 232(d)(4)(A), Apr. 2, 1980, 94 Stat. 278; Pub.L. 97-424, Title V, § 515(b)(6)(A)-(C), Jan. 6, 1983, 96 Stat. 2181.

CHAPTER 31—RETAIL EXCISE TAXES

Subchapter A. Special fuels.
Subchapter B. Heavy trucks and trailers.

SUBCHAPTER A—SPECIAL FUELS

§ 4041. Imposition of tax

(a) Diesel fuel and special motor fuels.—

(1) Diesel fuel.—There is hereby imposed a tax of 9 cents a gallon on any liquid (other than any product taxable under section 4081)—

(A) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such vehicle, or

(B) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under subparagraph (A).

(2) Special motor fuels.—There is hereby imposed a tax of 9 cents a gallon on benzol, benzene, naphtha, liquefied petroleum gas, casing head and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or paragraph (1) of this subsection)—

(A) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

(B) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such liquid under subparagraph (A).

(3) Termination.—On and after October 1, 1988, the taxes imposed by this subsection shall not apply.

(b) Exemption for off-highway business use; exemption for qualified methanol and ethanol fuel.—

(1) Exemption for off-highway business use.—

(A) In general.—No tax shall be imposed by subsection (a) on liquids sold for use or used in an off-highway business use.

(B) Tax where other use.—If a liquid on which no tax was imposed by reason of subparagraph (A) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B) or (2)(B) of subsection (a) (whichever is appropriate).

(C) Off-highway business use defined.—For purposes of this subsection, the term "off-highway business use" has the meaning given to such term by section 6421(d)(2).

(2) Qualified methanol and ethanol fuel.—

(A) In general.—No tax shall be imposed by subsection (a) on any qualified methanol or ethanol fuel.

(B) Qualified methanol or ethanol fuel.—The term "qualified methanol or ethanol fuel" means any liquid at least 85 percent of which consists of methanol, ethanol, or other alcohol produced from a substance other than petroleum or natural gas.

(C) Termination.—On and after October 1, 1988, subparagraph (A) shall not apply.

(c) Noncommercial aviation.—

(1) IN GENERAL.—There is hereby imposed a tax of 14 cents a gallon upon any liquid (other than any product taxable under section 4081)—

(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

(B) used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under this section.

(2) GASOLINE.—There is hereby imposed a tax (at the rate specified in paragraph (3)) upon any product taxable under section 4081—

(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

(B) used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such product under subparagraph (A).

The tax imposed by this paragraph shall be in addition to any tax imposed under section 4081.

(3) RATE OF TAX.—The rate of tax imposed by paragraph (2) on any gasoline is the excess of 12 cents a gallon over the rate at which tax was imposed on such gasoline under section 4081.

(4) DEFINITION OF NONCOMMERCIAL AVIATION.—For purposes of this chapter, the term "noncommercial aviation" means any use of an aircraft, other than use in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt

from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282.

(5) Termination.—The taxes imposed by paragraphs (1) and (2) shall apply during the period beginning on September 1, 1982, and ending on December 31, 1987.

(d) Additional tax

If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate under subsection (c)(1) of this section on the use thereof, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

[(e) Repealed. Pub.L. 97–424, Title V, § 516(a)(1)(B), Jan. 6, 1983, 96 Stat. 2182]

(f) Exemption for farm use

(1) EXEMPTION.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used on a farm for farming purposes.

(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

(3) TERMINATION.—On and after October 1, 1988, paragraph (1) shall not apply.

(g) Other exemptions.—Under regulations prescribed by the Secretary, no tax shall be imposed under this section—

(1) on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d)(3));

(2) with respect to the sale of any liquid for the exclusive use of any State, any political subdivision of a State, or the District of Columbia, or with respect to the use by any of the foregoing of any liquid as a fuel;

(3) upon the sale of any liquid for export, or for shipment to a possession of the United States, and in due course so exported or shipped; and

(4) with respect to the sale of any liquid to a nonprofit educational organization for its exclusive use, or with respect to the use by a nonprofit educational organization of any liquid as a fuel.

For purposes of paragraph (4), the term "nonprofit educational organization" means an educational organization described in section 170(b)(1)(A)(ii) which is exempt from income tax under section 501(a). The term also includes a school operated as an activity of an organization described in section 501(c)(3) which is exempt from income tax under section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. Paragraphs (2) and (4) shall not apply on and after October 1, 1988.

(h) Exemption for use by certain aircraft museums

(1) Exemption.—Under regulations prescribed by the Secretary, no tax shall be imposed under this section on any liquid sold for use or used by an aircraft museum in an aircraft or vehicle owned by such museum and used exclusively for purposes set forth in paragraph (2)(C).

(2) Definition of aircraft museum.—For purposes of this subsection, the term "aircraft museum" means an organization—

(A) described in section 501(c)(3) which is exempt from income tax under section 501(a).

(B) operated as a museum under charter by a State or the District of Columbia, and

(C) operated exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II.

(i) Registration

If any liquid is sold by any person for use as a fuel in an aircraft, it shall be presumed for purposes of this section that a tax imposed by this section applies to the sale of such liquid unless the purchaser is registered in such manner (and furnishes such information in respect of the use of the liquid) as the Secretary shall by regulations provide.

(j) Sales by United States, etc.

The taxes imposed by this section shall apply with respect to liquids sold at retail by the United States, or by any agency or instrumentality of the United States, unless sales by such agency or instrumentality are by statute specifically exempted from such taxes.

(k) Fuels containing alcohol.—

(1) In general.—Under regulations prescribed by the Secretary, in the case of the sale or use of any liquid fuel at least 10 percent of which consists of alcohol (as defined in section 4081(c)(3))—

(A) subsection (a) shall be applied by substituting "4 cents" for "9 cents" each place it appears, and

(B) no tax shall be imposed by subsection (c).

(2) Later separation.—If any person separates the liquid fuel from a mixture of the liquid fuel and alcohol to which paragraph (1) applied, such separation shall be treated as a sale of the liquid fuel. Any tax imposed on such sale shall be reduced by the amount (if any) of the tax imposed on the sale of such mixture.

(3) Termination.—Paragraph (1) shall not apply to any sale or use after December 31, 1992.

(l) **Exemption for certain helicopter uses.**—No tax shall be imposed under this section on any liquid sold for use in, or used in, a helicopter for the purpose of—

(1) transporting individuals, equipment, or supplies in the exploration for, or the development or removal of, hard minerals, or

(2) the planting, cultivation, cutting or transportation of, or caring for, trees (including logging operation),

but only if the helicopter does not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, or otherwise use services provided pursuant to the Airport and Airway Improvement Act of 1982 during such use.

(Aug. 16, 1954, ch. 736, 68A Stat. 478; Mar. 30, 1955, ch. 18 § 3(a)(1), 69 Stat. 14; Mar. 29, 1956, ch. 115, § 3(a)(1), 70 Stat. 66; Apr. 2, 1956, ch. 160 § 2(a)(1), 70 Stat. 89; June 29, 1956, ch. 462, title II, § 202, 70 Stat. 387; Sept. 2, 1958, Pub. L. 85-859, title I, § 119(b)(1), 72 Stat. 1286; Sept. 21, 1959, Pub. L. 86-342, title II, § 201(b), 73 Stat. 613; June 29, 1961, Pub. L. 87-61, title II, § 201(a), (c), (d), 75 Stat. 123; June 21, 1965, Pub. L. 89-44, title VIII, § 802(a)(2), 79 Stat. 159; May 21, 1970, Pub. L. 91-258, Title II, § 202, 84 Stat. 237; Dec. 31, 1970, Pub. L. 91-605, Title III, § 303(a)(1), (2), 84 Stat. 1743; May 5, 1976, Pub. L. 94-280, Title III, § 303(a)(1), (2), 90 Stat. 456; Oct. 4, 1976, Pub. L. 94-455, Title XIX, §§ 1904(a)(1)(B), (C) 1906(b)(13)(A), 90 Stat. 1810, 1811, 1834; Oct. 17, 1976, Pub. L. 94-530, § 1(a), 90 Stat. 2487; Nov. 6, 1978, Pub. L. 95-599, Title V, § 502(a)(1), (b), 92 Stat. 2756, 2757; Nov. 6, 1978, Pub. L. 95-600, Title VII, § 703(*l*), 92 Stat. 2942; Nov. 9, 1978, Pub. L. 95-618, Title II, §§ 221(b)(1), 222(a)(2), 233(a)(3)(B), 92 Stat. 3185, 3187, 3191; Apr. 2, 1980, Pub. L. 96-223, Title II, § 232(a)(2), 94 Stat. 273; July 1, 1980, Pub. L. 96-298, § 1(a), 94 Stat. 829; Sept. 3, 1982, Pub.L. 97-248, Title II, § 279(a), (b)(1), 96 Stat. 563; Jan. 6, 1983, Pub.L. 97-424, Title V, §§ 511(a)(2), (b)(1), (c)(2), (d)(2), (g)(1), 516(a)(1), (b)(1), 96 Stat. 2169, 2170, 2171, 2173, 2182, 2183.)

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SUBCHAPTER B—HEAVY TRUCKS AND TRAILERS

Sec.
4051. Imposition of tax on heavy trucks and trailers sold at retail.
4052. Definitions and special rules.
4053. Exemptions.

Sec. 4051. Imposition of tax on heavy trucks and trailers sold at retail

(a) Imposition of tax.—

(1) In general.—There is hereby imposed on the first retail sale of the following articles (including in each case parts or accessories sold on or in connection therewith or with the sale thereof) a tax of 12 percent of the amount for which the article is so sold:

(A) Automobile truck chassis.

(B) Automobile truck bodies.

(C) Truck trailer and semitrailer chassis.

(D) Truck trailer and semitrailer bodies.

(E) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

(2) Exclusion for trucks weighing 33,000 pounds or less.—The tax imposed by paragraph (1) shall not apply to automobile truck chassis and automobile truck bodies, suitable for use with a vehicle which has a gross vehicle weight of 33,000 pounds or less (as determined under regulations prescribed by the Secretary).

(3) Exclusion for trailers weighing 26,000 pounds or less.—The tax imposed by paragraph (1) shall not apply to truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer which has a gross vehicle weight of 26,000 pounds or less (as determined under regulations prescribed by the Secretary).

(4) Sale of trucks, etc., treated as sale of chassis and body.—For purposes of this subsection, a sale of an automobile truck or truck trailer or semitrailer shall be considered to be a sale of a chassis and of a body described in paragraph (1).

(b) Separate purchase of truck or trailer and parts and accessories therefor.—Under regulations prescribed by the Secretary—

(1) In general.—If—

(A) the owner, lessee, or operator of any vehicle which contains an article taxable under subsection (a) installs (or causes to be installed) any part or accessory on such vehicle, and

(B) such installation is not later than the date 6 months after the date such vehicle (as it contains such article) was first placed in service,

then there is hereby imposed on such installation a tax equal to 12 percent of the price of such part or accessory and its installation.

(2) Exceptions.—Paragraph (1) shall not apply if—

(A) the part or accessory installed is a replacement part or accessory, or

(B) the aggregate price of the parts and accessories (and their installation) described in paragraph (1) with respect to any vehicle does not exceed $200 (or such other amount or amounts as the Secretary may by regulations prescribe).

(3) Installers secondarily liable for tax.—In addition to the owner, lessee, or operator of the vehicle, the owner of the trade or business installing the part or accessory shall be liable for the tax imposed by paragraph (1).

(c) Termination.—On and after October 1, 1988, the taxes imposed by this section shall not apply.

(d) Transitional rule.—In the case of any article taxable under subsection (a) on which tax was imposed under section 4061(a), subsection (a) shall be applied by substituting "2 percent" for "12 percent".

(Added by Pub.L. 97–424, Title V, § 512(b)(1), Jan. 6, 1983, 96 Stat. 2174.)

Sec. 4052. Definitions and special rules

(a) First retail sale.—For purposes of this subchapter—

(1) In general.—The term "first retail sale" means the first sale, for a purpose other than for resale, after manufacture, production, or importation.

(2) Leases considered as sales.—Rules similar to the rules of section 4217 shall apply.

(3) Use treated as sale.—

(A) In general.—If any person uses an article taxable under section 4051 before the first retail sale of such article, then such person shall be liable for tax under section 4051 in the same manner as if such article were sold at retail by him.

(B) Exemption for use in further manufacture.—Subparagraph (A) shall not apply to use of an article as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him.

(C) Computation of tax.—In the case of any person made liable for tax by subparagraph (A), the tax shall be computed on the price at which similar articles are sold at retail in the ordinary course of trade, as determined by the Secretary.

(b) Determination of price.—

(1) In general.—In determining price for purposes of this subchapter—

(A) there shall be included any charge incident to placing the article in condition ready for use,

(B) there shall be excluded—

(i) the amount of the tax imposed by this subchapter,

(ii) if stated as a separate charge, the amount of any retail sales tax imposed by any State or political subdivision thereof or the District of Columbia, whether the liability for such tax is imposed on the vendor or vendee, and

(iii) the fair market value (including any tax imposed by section 4071) at retail of any tires (not including any metal rim or rim base), and

(C) the price shall be determined without regard to any trade-in.

(2) Sales not at arm's length.—In the case of any article sold (otherwise than through an arm's-length transaction) at less than the fair market price, the tax under this subchapter shall be computed on the price for which similar articles are sold at retail in the ordinary course of trade, as determined by the Secretary.

(c) Certain combinations not treated as manufacture.—For purposes of this subchapter (other than subsection (a)(3)(B)), a person shall not be treated as engaged in the manufacture of any article by reason of merely combining such article with any equipment or other item listed in section 4063(d).

(d) Certain other rules made applicable.—Under regulations prescribed by the Secretary, rules similar to the rules of—

(1) subsections (c) and (d) of section 4216 (relating to partial payments), and

(2) section 4222 (relating to registration),

shall apply for purposes of this subchapter.

(Added by Pub. L. 97–424, Title V, § 512(b)(1), Jan. 6, 1983, 96 Stat. 2175.)

Sec. 4053. Exemptions

(a) Exemption of specified articles.—No tax shall be imposed under section 4051 on any article specified in subsection (a) of section 4063.

(b) Certain exemptions made applicable.—The exemptions provided by section 4221(a) are hereby extended to the tax imposed by section 4051.

(Added by Pub. L. 97–424, Title V, § 512(b)(1), Jan. 6, 1983, 96 Stat. 2176.)

Chapter 32.—MANUFACTURERS EXCISE TAXES

Sec. 4061. Imposition of tax.

(a) Trucks, buses, tractors, etc.

(1) Tax imposed.—There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax of 10 percent of the price for which so sold, except that on and after October 1, 1984, the rate shall be 5 percent—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck and bus trailer and semitrailer chassis.
Truck and bus trailer and semitrailer bodies.
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this subsection, be considered to be a sale of a chassis and of a body enumerated in this subsection.

(2) Exclusion for trucks with gross vehicle weight of 33,000 pounds or less, and certain trailers.—

(A) The tax imposed by paragraph (1) shall not apply to automobile truck chassis and automobile truck bodies, suitable for use with a vehicle which has a gross vehicle weight of 33,000 pounds or less (as determined under regulations prescribed by the Secretary).

(B) The tax imposed by paragraph (1) shall not apply to truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer which has a gross vehicle weight of 26,000 pounds or less (as determined under regulations prescribed by the Secretary).

(b) Parts and accessories

(1) Except as provided in paragraph (2), there is hereby imposed upon parts or accessories (other than tires and inner tubes) for any of the articles enumerated in subsection (a)(1) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after October 1, 1984, the rate shall be 5 percent.

(2) No tax shall be imposed under this subsection upon any part or accessory which is suitable for use (and ordinarily is used) on or in connection with, or as a component part of, any chassis or body for a passenger automobile, any chassis or body for a trailer or semitrailer suitable for use in connection with a passenger automobile, or a house trailer.

(c) Termination.—

(1) Tax on parts and accessories.—On and after the day after the date of the enactment of this subsection, the tax imposed by subsection (b) shall not apply.

(2) Tax on trucks.—On and after April 1, 1983, the tax imposed by subsection (a) shall not apply.

(Aug. 16, 1954, ch. 736, 68A Stat. 481; Mar. 30, 1955, ch. 18, § 3(a)(2), 69 Stat. 14; Aug. 12, 1955, ch. 865, § 1, 69 Stat. 709; Mar. 29, 1956, ch. 115, § 3(a)(2), 70 Stat. 66; June 29, 1956, ch. 462, title II, § 203, 70 Stat. 388; Mar. 29, 1957, Pub. L. 85-12, § 3(a)(1), 71 Stat. 9; June 30, 1958, Pub. L. 85-475, § 3(a)(1), 72 Stat. 259; June 30, 1959, Pub. L. 86-75, § 3(a)(1), 73 Stat. 157; June 30, 1960, Pub. L. 86-564, title II, § 202(a)(1), 74 Stat. 290; June 29, 1961, Pub. L. 87-61, title II, § 204, 75 Stat. 126; June 30, 1961, Pub. L. 87-72, § 3(a)(1), 75 Stat. 193; June 28, 1962, Pub. L. 87-508, § 3(a)(1), 76 Stat. 114; June 29, 1963, Pub. L. 88-52, § 3(a)(1), 77 Stat. 72; June 30, 1964, Pub. L. 88-348, § 2(a)(1), 78 Stat. 237; June 21, 1965, Pub. L. 89-44, title II, § 201, 79 Stat. 136; Mar. 15, 1966, Pub. L. 89-368, title II, § 201(a), 80 Stat. 65; Apr. 12, 1968, Pub. L. 90-285, § 1(a)(1), 82 Stat. 92; June 28, 1968, Pub. L. 90-364, title I, § 105(a)(1), 82 Stat. 265; Dec. 30, 1969, Pub. L. 91-172, title VII,

§ 702(a)(1), 83 Stat. 660; Dec. 31, 1970, Pub. L. 91-605, title III, § 303(a)(3) and (4), 84 Stat. 1743; Dec. 31, 1970, Pub. L. 91-614, title II, § 201(a)(1), 84 Stat. 1843; Dec. 10, 1971, Pub. L. 92-178, title IV, § 401(a)(1), (g)(1), 85 Stat. 530, 533; May 5, 1976, Pub. L. 94-280, title III, § 303(a) (3) and (4), 90 Stat. 456; Nov. 6, 1978, Pub. L. 95-599, Title V, § 502(a)(2), (3), 92 Stat. 2756; Jan. 6, 1983, Pub. L. 97-424, Title V, § 512(a)(1), (2), 96 Stat. 2173, 2174.)

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Sec. 4063. Exemptions.

(a) Specified articles

(1) CAMPER COACHES; BODIES FOR SELF-PROPELLED MOBILE HOMES.—The tax imposed under section 4061 shall not apply in the case of articles designed (A) to be mounted or placed on automobile trucks, automobile truck chassis, or automobile chassis, and (B) to be used primarily as living quarters or camping accommodations.

(2) FEED, SEED, AND FERTILIZER EQUIPMENT.—The tax imposed under section 4061 shall not apply in the case of any body, part or accessory primarily designed—

(A) to process or prepare seed, feed, or fertilizer for use on farms;

(B) to haul feed, seed, or fertilizer to and on farms;

(C) to spread feed, seed, or fertilizer on farms;

(D) to load or unload feed, seed, or fertilizer on farms; or

(E) for any combination of the foregoing.

(3) HOUSE TRAILERS.—The tax imposed under section 4061(a) shall not apply in the case of house trailers.

(4) AMBULANCES, HEARSES, ETC.—The tax imposed by section 4061(a) shall not apply in the case of an ambulance, hearse, or combination ambulance-hearse.

(5) CONCRETE MIXERS.—The tax imposed under section 4061 shall not apply in the case of—

(A) any article designed (i) to be placed or mounted on an automobile truck chassis or truck trailer or semitrailer chassis and (ii) to be used to process or prepare concrete, and

(B) parts or accessories designed primarily for use on or in connection with an article described in subparagraph (A).

(6) **Buses.**—The tax imposed under section 4061(a) shall not apply in the case of any automobile bus chassis or automobile bus body.

(7) **Trash containers, etc.**—The tax imposed under section 4061(a) shall not apply in the case of any box, container, receptacle, bin, or other similar article which is to be used as a trash container and is not designed for the transportation of freight other than trash, and

which is not designed to be permanently mounted on or permanently affixed to an automobile truck chassis or body, or in the case of parts or accessories designed primarily for use on, in connection with, or as a component part of any such article.

(8) Rail trailers and rail vans.—The tax imposed under section 4061 shall not apply in the case of—

(A) any chassis or body of a trailer or semitrailer which is designed for use both as a highway vehicle and a railroad car, and

(B) any parts or accessories designed primarily for use on or in connection with an article described in subparagraph (A).

For purposes of this paragraph, a piggy-back trailer or semitrailer shall not be treated as designed for use as a railroad car.

(b) Sales to manufacturers.—Under regulations prescribed by the Secretary, the tax under section 4061 shall not apply in the case of sales of bodies by the manufacturer, producer, or importer to a manufacturer or producer of automobile trucks or other automobiles to be sold by such vendee. For the purposes of section 4061, such vendee shall be considered the manufacturer or producer of such bodies.

(c) Rebuilt parts and accessories.—Under regulations prescribed by the Secretary, the tax imposed under section 4061(b) shall not apply in the case of rebuilt parts or accessories.

(d) Resale after certain modifications.—Under regulations prescribed by the Secretary, the tax imposed by section 4061 shall not apply to the resale of any article described in section 4061(a)(1) if before such resale such article was merely combined with any coupling device (including any fifth wheel), wrecker crane, loading and unloading equipment (including any crane, hoist, winch, or power liftgate), aerial ladder or tower, snow and ice control equipment, earthmoving, excavation and construction equipment, spreader, sleeper cab, cab shield, or wood or metal floor.

(e) Parts for light-duty trucks.—The tax imposed by section 4061(b) shall not apply to the sale by the manufacturer, producer, or importer of any article which is to be resold by the purchaser on or in connection with the first retail sale of a light-duty truck, as described in section 4061(a)(2), or which is to be resold by the purchaser to a second purchaser for resale by such second purchaser on or in connection with the first retail sale of a light-duty truck.

(Aug. 16, 1954, c. 736, 68A Stat. 482; Aug. 11, 1955, c. 805, § 1(g), 69 Stat. 690; Oct. 13, 1964, Pub.L. 88-653, § 5(a), 78 Stat. 1086; June 21, 1965, Pub.L. 89-44, Title VIII, § 801(a), 79 Stat. 157; Dec. 30, 1969, Pub.L. 91-172, Title IX, § 931(a), 83 Stat. 724; Dec. 31, 1970, Pub. L. 91-614, Title III, § 303(a), 84 Stat. 1845; Dec. 10, 1971, Pub. L. 92-178, Title IV, § 401(a)(2), (g)(3), 85 Stat. 530, 533; Oct. 4, 1976, Pub. L. 94-455, Title XIX, § 1906(b)(13)(A), Title XXI, § 2109(a), 90

Stat. 1834, 1904; Nov. 6, 1978, Pub.L. 95-600, Title VII, § 701(ff)(1), 92 Stat. 2924; Nov. 9, 1978, Pub.L. 95-618, Title II, § 231(a), 92 Stat. 3187; Jan. 6, 1983, Pub. L. 97-424, Title V, § 512(a)(3), 96 Stat. 2174.)

Sec. 4071. Imposition of tax.

(a) Imposition and rate of tax.—There is hereby imposed upon the following articles, if wholly or in part of rubber, sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires of the type used on highway vehicles, 9.75 cents a pound.

(2) Other tires (other than laminated tires to which paragraph (5) applies), 4.875 cents a pound.

(3) Inner tubes for tires, 10 cents a pound.

(4) Tread rubber, 5 cents a pound.

(5) Laminated tires (not of the type used on highway vehicles) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent, 1 cent a pound.

(b) Special rule for manufacturers who sell at retail

Under regulations prescribed by the Secretary or his delegate, if the manufacturer, producer, or importer of any tire or inner tube delivers such tire or tube to a retail store or retail outlet of such manufacturer, producer, or importer, he shall be liable for tax under subsection (a) in respect of such tire or tube in the same manner as if it had been sold at the time it was delivered to such retail store or outlet. This subsection shall not apply to an article in respect to which tax has been imposed by subsection (a). Subsection (a) shall not apply to an article in respect of which tax has been imposed by this subsection.

(c) Determination of weight

For purposes of this section, weight shall be based on total weight, except that in the case of tires such total weight shall be exclusive of metal rims or rim bases. Total weight of the articles shall be determined under regulations prescribed by the Secretary or his delegate.

(d) Termination.—On and after October 1, 1988, the taxes imposed by subsection (a) shall not apply.

(e) Tires on imported articles

For the purposes of subsection (a), if an article imported into the United States is equipped with tires or inner tubes (other than bicycle tires and inner tubes)—

(1) the importer of the article shall be treated as the importer of the tires and inner tubes with which such article is equipped, and

(2) the sale of the article by the importer thereof shall be treated as the sale of the tires and inner tubes with which such article is equipped.

This subsection shall not apply with respect to the sale of an article if a tax on such sale is imposed under section 4061 or if such article is an automobile bus chassis or an automobile bus body.

(f) Imported recapped or retreaded United States tires

(1) In general.—For purposes of subsection (a)(4), in the case of a tire which has been exported from the United States, recapped or retreaded (other than from bead to bead) outside the United States, and imported into the United States—

(A) the person importing such tire shall be treated as importing the tread rubber used in such recapping or retreading (determined as of the completion of the recapping or retreading), and

(B) the sale of such tire by the importer thereof shall be treated as the sale of such tread rubber.

(2) Exception for certain taxable sales.—Paragraph (1) shall not apply with respect to the sale of any tire if such tire is sold on or in connection with the sale of an article on which tax is imposed under section 4061.

(Aug. 16, 1954, c. 736, 68A Stat. 482; June 29, 1956, c. 462, Title II, § 204(a), 70 Stat. 388; Apr. 22, 1960, Pub. L. 86–440, § 1(a), 74 Stat. 80; June 29, 1961, Pub.L. 87–61, Title II, § 202, 75 Stat. 124; Aug. 1, 1966, Pub.L. 89–523, § 1(a), 80 Stat. 331; Dec. 31, 1970, Pub.L. 91–605, Title III, § 303(a)(5), 84 Stat. 1744; Dec. 10, 1971, Pub.L. 92–178, Title IV, § 401(f), 85 Stat. 533, May 5, 1976, Pub.L. 94–280, Title III, § 303(a)(5), 90 Stat. 456; Oct. 4, 1976, Pub.L. 94–455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834; Nov. 6, 1978, Pub. L. 95–599, Title V, § 502(a)(4), 92 Stat. 2756; Apr. 1, 1980, Pub.L. 96–222, Title I, § 108(c)(2)(C), 94 Stat. 227; Dec. 24, 1980, Pub. L. 96–596, § 4(a)(1), 94 Stat. 3475; Dec. 24, 1980, Pub. L. 96–598, § 1(d), 94 Stat. 3486; Jan. 6, 1983, Pub.L. 97–424, Title V, § 516(a)(2), 96 Stat. 2182.)

Amendment to *Section 4071(a)* effective Jan. 1, 1984

Amendment of Section

Pub. L. 97–424, Title V, § 514, Jan. 6, 1983, 96 Stat. 2181, provided that, applicable to articles sold on or after Jan. 1, 1984, subsec. (a) of this section is amended to read as follows:

"(a) Imposition and rate of tax.—There is hereby imposed on tires of the type used on highway vehicles, if wholly or in part made of rubber, sold by the manufacturer, producer, or importer a tax at the following rates:

"If the tire weighs:	The rate of tax is:
Not more than 40 lbs.	No tax.

More than 40 lbs. but not more than 70 lbs.	15 cents per lb. in excess of 40 lbs.
More than 70 lbs. but not more than 90 lbs.	$4.50 plus 30 cents per lb. in excess of 90 lbs."
More than 90 lbs.	$10.50 plus 50 cents per lb. in excess of 90 lbs."

Sec. 4072. Definitions.

(a) Rubber

For purposes of this chapter, the term "rubber" includes synthetic and substitute rubber.

(b) Tread rubber

For purposes of this chapter, the term "tread rubber" means any material—

(1) which is commonly or commercially known as tread rubber or camelback; or

(2) which is a substitute for a material described in paragraph (1) and is of a type used in recapping or retreading tires.

(c) Tires of the type used on highway vehicles

For purposes of this part, the term "tires of the type used on highway vehicles" means tires of the type used on—

(1) motor vehicles which are highway vehicles, or

(2) vehicles of the type used in connection with motor vehicles which are highway vehicles.

(Aug. 16, 1954, c. 736, 68A Stat. 482; June 29, 1956, c. 462, title II, § 204(b), 70 Stat. 389.)

Sec. 4073. Exemptions.

(a) Tires of certain sizes.—The tax imposed by section 4071 shall not apply to tires which are not more than 20 inches in diameter and not more than 1¾ inches in cross-section, if such tires are of all-rubber construction (whether hollow center or solid) without fabric or metal reinforcement.

(b) Tires with internal wire fastening.—The tax imposed by section 4071 shall not apply to tires of extruded tiring with an internal wire fastening agent.

(c) Exemption from tax on tread rubber in certain cases.—Under regulations prescribed by the Secretary, the tax imposed by section 4071(a)(4) shall not apply to tread rubber sold by the manufacturer, producer, or importer, to any person for use by such person otherwise than in the recapping or retreading of tires of the type used on highway vehicles.

(Aug. 16, 1954, c. 736, 68A Stat. 482; June 29, 1956, c. 462, Title II, § 204(c), 70 Stat. 389; Oct. 4, 1976, Pub.L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.)

Sec. 4081. Imposition of tax.

(a) In general.—There is hereby imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of 9 cents a gallon.

(b) Termination.—On and after October 1, 1988, the taxes imposed by this section shall not apply.

(c) Gasoline mixed with alcohol.— **(1) In general.**—Under regulations prescribed by the Secretary, subsection (a) shall be applied by substituting "4 cents" for "9 cents" in the case of the sale of any gasoline—

(A) in a mixture with alcohol, if at least 10 percent of the mixture is alcohol, or

(B) for use in producing a mixture at least 10 percent of which is alcohol.

(2) Later separation of gasoline.—If any person separates the gasoline from a mixture of gasoline and alcohol on which tax was imposed under subsection (a) at the rate of 4 cents a gallon by reason of this subsection (or with respect to which a credit or payment was allowed or made by reason of section 6427(f)(1)), such person shall be treated as the producer of such gasoline. The amount of tax imposed on any sale of such gasoline by such person shall be 5 cents a gallon.

(3) Alcohol defined.—For purposes of this subsection, the term "alcohol" includes methanol and ethanol but does not include alcohol produced from petroleum, natural gas, or coal. Such term does not include alcohol with a proof of less than 190 (determined without regard to any added denaturants).

(4) Termination.—Paragraph (1) shall not apply to any sale after December 31, 1992.

(Aug. 16, 1954, c. 736, 68A Stat. 483; Mar. 30, 1955, c. 18, § 3(a)(3), 69 Stat. 14; Mar. 29, 1956, c. 115, § 3(a)(3), 70 Stat. 66; June 29, 1956, c. 462, Title II, § 205, 70 Stat. 389; Sept. 21, 1959, Pub.L. 86-342, Title II, § 201(a), 73 Stat. 613; June 29, 1961, Pub.L. 87-61, Title II, § 201(b)-(d), 75 Stat. 123; Dec. 31, 1970, Pub.L. 91-605, Title III, § 303(a)(6), 84 Stat. 1744; May 5, 1976, Pub.L. 94-280, Title III, § 303(a)(6), 90 Stat. 456; Nov. 6, 1978, Pub.L. 95-599, Title V, § 502(a)(5), 92 Stat. 2756; Nov. 9, 1978, Pub.L. 95-618, Title II, § 221(a)(1), 92 Stat. 3185; Apr. 2, 1980, Pub.L. 96-223, Title II, § 232(a)(1), (b)(3)(A), (d)(3), 94 Stat. 273, 276, 277; Jan. 6, 1983, Pub.L. 97-424, Title V, §§ 511(a)(1), (d)(1), 516(a)(3), 96 Stat. 2169, 2171, 2182.)

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Sec. 4082. Definitions.

(a) Producer

As used in this subpart, the term "producer" includes a refiner, compounder, blender, or wholesale distributor, and a dealer selling gasoline exclusively to producers of gasoline, as well as a producer. Any person to whom gasoline is sold tax-free under this subpart shall be considered the producer of such gasoline.

(b) Gasoline

As used in this subpart, the term "gasoline" means all products commonly or commercially known or sold as gasoline which are suitable for use as a motor fuel.

(c) Certain uses defined as sales

If a producer or importer uses (otherwise than in the production of gasoline or of special fuels referred to in section 4041) gasoline sold to him free of tax, or produced or imported by him, such use shall for the purposes of this chapter be considered a sale.

(d) Wholesale distributor

As used in subsection (a), the term "wholesale distributor" includes any person who—

(1) sells gasoline to producers, to retailers, or to users who purchase in bulk quantities for delivery into bulk storage tanks, and

(2) elects to register with respect to the tax imposed by section 4081. Such term does not include any person who (excluding the term "wholesale distributor" from subsection (a)) is a producer or importer. (Aug. 16, 1954, c. 736, 68A Stat. 483; Sept. 21, 1959, Pub. L. 86-342, Title II, § 201(e)(1), (2), 73 Stat. 615; June 21, 1965, Pub. L. 89-44, Title VIII, § 802(a)(1), (b)(1), 79 Stat. 159; May 21, 1970, Pub. L. 91-258, title II, § 205(c)(6), 84 Stat. 242.)

* * * * * *

Sec. 4084. Cross references.

(1) For provisions to relieve farmers from excise tax in the case of gasoline used on the farm for farming purposes, see section 6420.

(2) For provisions to relieve purchasers of gasoline from excise tax in the case of gasoline used for certain nonhighway purposes or by local transit systems, see section 6421.

(Added Apr. 2, 1956, c. 160, § 4(a)(1), 70 Stat. 90, and amended June 29, 1956, c. 462, Title II, § 208(e)(1), 70 Stat. 396.)

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Sec. 4091. Imposition of tax. (Repealed by Pub. L. 97-424, Title V, § 515(a), Jan. 6, 1983, 96 Stat. 2181.)

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Sec. 4216. Definition of price.

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(f) Certain trucks incorporating used components

For purposes of the tax imposed by section 4061(a)(1) (relating to trucks, buses, tractors, etc.), in determining the price for which an article is sold, the value of any component of such article shall be excluded from the price, if—

(1) such component is furnished by the first user of such article, and

(2) such component has been used prior to such furnishing. (* * * June 21, 1965, Pub. L. 89–44, sec. 801(b), 79 Stat. 158; Oct. 4, 1976, Pub. L. 94–455, Title XIX, §§ 1904(a)(2), 1906(b)(13)(A), 90 Stat. 1811, 1834; Oct. 14, 1978, Pub. L. 95–458, § 1(a), (b), 92 Stat. 1255.)

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Sec. 4221. Certain tax-free sales.

* * * * * * *

(d) Definitions

For purposes of this section—

* * * * * * *

(6) USE IN FURTHER MANUFACTURE.—An article shall be treated as sold for use in further manufacture if—

(A) such article (other than an article referred to in subparagraph (B)) is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article taxable under this chapter to be manufactured or produced by him;

(B) in the case of a part or accessory taxable under section 4061(b), such article is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him; or

(C) in the case of gasoline taxable under section 4081, such gasoline is sold for use by the purchaser, for nonfuel purposes, as a material in the manufacture or production of another article to be manufactured or produced by him.

For purposes of subparagraph (B), the rebuilding of a part or accessory which is exempt from tax under section 4063(c) shall not constitute the manufacture or production of such part or accessory.

(7) QUALIFIED BUS.—

(A) *In general.*—The term "qualified bus" means—

(i) an intercity or local bus, and

(ii) a school bus.

(B) *Intercity or local bus.*—The term "intercity or local bus" means any automobile bus which is used predominantly in furnishing (for compensation) passenger land transportation available to the general public if—

(i) such transportation is scheduled and along regular routes, or

(ii) the seating capacity of such bus is at least 20 adults (not including the driver).

(C) *School bus.*—The term "school bus" means any automobile bus substantially all the use of which is in transporting students and employees of schools. For purpose of the preceding sentence, the term "school" means an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are carried on.

(e) Special rules

* * * * * * *

(2) TIRES AND TUBES.—

(A) *Tax-free sales.*—Under regulations prescribed by the Secretary, no tax shall be imposed under section 4071 on the sale by the manufacturer of a tire or inner tube if—

(i) such tire or tube is sold for use by the purchaser for sale on or in connection with the sale of another article manufactured or produced by such purchaser; and

(ii) such other article is to be sold by such purchaser in a sale which either will satisfy the requirements of paragraph (2), (3), (4), or (5) of subsection (a) for a tax-free sale, or would satisfy such requirements but for the fact that such other article is not subject to tax under this chapter.

(B) *Proof.*—Where a tire or tube has been sold free of tax under this paragraph, this paragraph shall cease to apply unless, within the 6-month period which begins on the date of the sale by him (or, if earlier, on the date of the shipment by him), the manufacturer of such tire or tube receives proof that the other article referred to in clause (ii) of subparagraph (A) has been sold in a manner which satisfies the requirements of such clause (ii) (including in the case of a sale for export, proof of export of such other article).

(C) *Subsection (a) (1) does not apply.*—Paragraph (1) of subsection (a) shall not apply with respect to the tax imposed under section 4071 on the sale of a tire, or inner tube.

(3) Repealed. Pub. L. 89-44, Title II, § 208(d), June 21, 1965, 79 Stat. 141.

(4) BICYCLE TIRES OR TUBES SOLD TO BICYCLE MANUFACTURER.—

(A) *In general.*—Under regulations prescribed by the Secretary, no tax shall be imposed under section 4071 on the sale of a bicycle tire (or an inner tube for such a tire) by the manufacturer thereof if such tire or tube is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, a bicycle (other than a rebuilt or reconditioned bicycle).

(B) *Bicycle tire defined.*—As used in this paragraph the term "bicycle tire" means a tire, composed of rubber in combination with fabric or other reinforcing element, which is not more than 28 inches in outer diameter and not more than 2¼ inches in cross section and which is primarily designed or adapted for use on bicycles.

(C) *Proof.*—Where a bicycle tire or tube has been sold free of tax under this paragraph, this paragraph shall cease to apply unless, within the 6-month period which begins on the date of the sale by him (or, if earlier, on the date of shipment by him), the manufacturer of such bicycle tire or tube receives proof that the tire or tube has been used in the manner described in subparagraph (A).

(5) TIRES, TUBES, AND TREAD RUBBER USED ON INTERCITY, LOCAL, AND SCHOOL BUSES.—Under regulations prescribed by the Secretary—

(A) the taxes imposed by paragraphs (1) and (3) of section 4071(a) shall not apply in the case of tires or inner tubes for tires sold for use by the purchaser on or in connection with a qualified bus, and

(B) the tax imposed by paragraph (4) of section 4071(a) shall not apply in the case of tread rubber sold for use by the purchaser in the recapping or retreading of any tire to be used by the purchaser on or in connection with a qualified bus.

(6) BUS PARTS AND ACCESSORIES.—Under regulations prescribed by the Secretary, the tax imposed by section 4061(b) shall not apply to any part or accessory which is sold for use by the purchaser on or in connection with an automobile bus, or is to be resold by the purchaser or a second purchaser for such use.

(Added by Pub. L. 85–859, Title I, § 119(a), Sept. 2, 1958, 72 Stat. 1282, and amended by Pub. L. 86–70, § 22(a), June 25, 1959, 73 Stat. 146; Pub. L. 86–344, § 2(b), Sept. 21, 1959, 73 Stat. 617; Pub. L. 86–418, § 1, Apr. 8, 1960, 74 Stat. 38; Pub. L. 86–624, § 18(e), July 12, 1960, 74 Stat. 416; Pub. L. 87–61, Title II, § 205(a), June 29, 1961, 75 Stat. 126; Pub. L. 89–44, Title II, § 208(d), Title VIII § 801(c), (d)(1), June 21, 1965, 79 Stat. 141, 158; Pub. L. 94–455, Title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834; Pub. L. 96–222, Title I, § 108(c)(5), Apr. 1, 1980, 94 Stat. 227.)

Sec. 4226.

Repealed by Public Law 94-455, Title XIX, § 1904(a)(4), Oct. 4, 1976, 90 Stat. 1811.

Sec. 4227. Cross reference.

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(2) For credit for taxes on tires and inner tubes, see section 6416(c).

(Amended Oct. 4, 1976, Pub. L. 94-455, Title XIX, § 1904(a)(5), 90 Stat. 1811; Jan. 14, 1983, Pub. L. 97-473, Title II, § 202(b)(8), 96 Stat. 2610.)

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Chapter 36.—CERTAIN OTHER EXCISE TAXES

Sec. 4481. Imposition of tax.

(a) Imposition of tax

A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of $3.00 a year for each 1,000 pounds of taxable gross weight or fraction thereof. In the case of the taxable period beginning on July 1, 1984, and ending on September 30, 1984, the tax shall be at the rate of 75 cents for such period for each 1,000 pounds of taxable gross weight or fraction thereof.

(b) By whom paid

The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

(c) Proration of tax

If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

(d) One tax liability per period

(1) IN GENERAL.—To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.

(2) CROSS REFERENCE.—For privilege of paying tax imposed by this section in installments, see section 6156.

(e) Period tax in effect

The tax imposed by this section shall apply only to use before October 1, 1988. (Added June 29, 1956, ch. 462, Title II, § 206(a), 70 Stat. 390, and amended June 29, 1961, Pub. L. 87-61, Title II, § 203(a), (b), (1), (2) (A), (B), 75 Stat. 124; Dec. 31, 1970, Pub. L. 91-605, Title III, § 303(a)(7) and (8), 84 Stat. 1744; May 5, 1976, Pub. L. 94-280, Title III, § 303(a)(7) and (8), 90 Stat. 456; Nov. 6, 1978, Pub. L. 95-599, Title V, § 502(a)(6), (7), 92 Stat. 2756; Jan. 6, 1983, Pub. L. 97-424, Title V, § 516(a), 96 Stat. 2182.)

Amendment of Section

Pub. L. 97–424, Title V, § 513(a), (d), (f), Jan. 6, 1983, 96 Stat. 2177, 2179, provided that, except as otherwise provided in section 513(f) of Pub.L. 97–424, set out as a note under this section, subsecs. (a) and (c) of this section will read as follows, effective on July 1, 1984:

"(a) Imposition of Tax.—A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 33,000 pounds at the rate specified in the following table:

"(1) In General.—

"Taxable gross weight		
At least	*But less than*	*Rate of tax*
33,000 pounds	*55,000 pounds*	*$50 a year, plus $25 for each 1,000 pounds or fraction thereof in excess of 33,000 pounds.*
55,000 pounds	*80,000 pounds*	*$600 a year, plus the applicable rate for each 1,000 pounds or fraction thereof in excess of 55,000 pounds.*
80,000 pounds or more		*The maximum tax a year."*

"(2) Definitions.—For purposes of paragraph (1)—

"In the case of the taxable period beginning on July 1 of:	*The applicable rate is:*	*The maximum tax is:*
1984	*$40*	*$1,600*
1985	*40*	*1,600*
1986	*44*	*1,700*
1987	*48*	*1,800*
1988 or thereafter	*52*	*1,900."*

"(c) Proration of Tax.—

"(1) Where first use occurs after first month—If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

"(2) Where vehicle destroyed or stolen.—

"(A) In general.—If in any taxable period a highway motor vehicle is destroyed or stolen before the first day of the last month in such period and not subsequently used during such taxable period, the tax shall be reckoned proportionately from the first day of the month in such period in which the first use of such highway motor vehicle occurs to and including the last day of the month in which such highway motor vehicle was destroyed or stolen.

"(B) Destroyed.—For purpose of subparagraph (A), a highway motor vehicle is destroyed if such vehicle is damaged by reason of an accident or other casualty to such an extent that it is not economic to rebuild."

Sec. 4482. Definitions.

(a) Highway motor vehicle

For purposes of this subchapter, the term "highway motor vehicle" means any motor vehicle which is a highway vehicle.

(b) Taxable gross weight

For purposes of this subchapter, the term "taxable gross weight," when used with respect to any highway motor vehicle, means the sum of—

(1) the actual unloaded weight of—

(A) such highway motor vehicle fully equipped for service, and

(B) the semitrailers and trailers (fully equipped for service) customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle, and

(2) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers referred to in paragraph (1)(B).

Taxable gross weight shall be determined under regulations prescribed by the Secretary or his delegate (which regulations may include formulas or other methods for determining the taxable gross weight of vehicles by classes, specifications, or otherwise).

(c) Other definitions

For purposes of this subchapter—

(1) STATE.—The term "State" means a State and the District of Columbia.

(2) YEAR.—The term "year" means the one-year period beginning on July 1.

(3) USE.—The term "use" means use in the United States on the public highways.

(4) Taxable period.—The term "taxable period" means any year beginning before July 1, 1988, and the period which begins on July 1, 1988, and ends at the close of September 30, 1988.

(Added June 29, 1956, c. 462, Title II, § 206(a), 70 Stat. 390, and amended June 29, 1961, Pub. L. 87-61, Title II, § 203(b)(2)(C), 75 Stat. 125; Dec. 31, 1970, Pub. L. 91-605, Title III, § 303(a)(9), 84 Stat. 1744; May 5, 1976, Pub. L. 94-280, Title III, § 303(a)(9), 90 Stat. 456; Oct. 4, 1976, Pub. L. 94-455, Title XIX, § 1904(c), 90 Stat. 1818; and Nov. 6, 1978, Pub. L. 95-599, Title V, § 502(a)(8), 92 Stat. 2756; Jan. 6, 1983, Pub. L. 97-424, Title V, § 516(a)(4), 96 Stat. 2182.)

Amendment effective on July 1, 1984

Amendment of Section

Pub. L. 97-424, Title V, § 513(c), (e), (f), Jan. 6, 1983, 96 Stat. 2179, provided that, except as otherwise provided in section 513(f) of Pub. L. 97-424, set out as a note under section 4481 of this title, this section is amended, effective on July 1, 1984, as follows:

(1) Subsection (c) is amended by adding at the end thereof the following new paragraph:

"(5) Customary use.—A semitrailer or trailer shall be treated as customarily used in connection with a highway motor vehicle if such vehicle is equipped to tow such semitrailer or trailer."

(2) The heading for subsection (c) is amended by inserting "and special rule" after "Definitions".

(3) A new subsection is added reading as follows:

"(d) Special rule for taxable period in which termination date occurs.—In the case of the taxable period which ends on September 30, 1988, the amount of the tax imposed by section 4481 with respect to any highway motor vehicle shall be determined by reducing each dollar amount in the table contained in section 4481(a) by 75 percent."

Sec. 4483. Exemptions.

(a) State and local governmental exemption

Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any highway motor vehicle by any State or any political subdivision of a State.

(b) Exemption for United States

The Secretary of the Treasury may authorize exemption from the tax imposed by section 4481 as to the use by the United States of any particular highway motor vehicle, or class of highway motor vehicles, if he determines that the imposition of such tax with respect to such use will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

(c) Certain transit-type buses

Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any bus which is of the transit type (rather than of the intercity type) by a person who, for the last 3 months of the preceding year (or for such other period as the Secretary may by regulations prescribe for purposes of this subsection), met the 60-percent passenger fare revenue test set forth in section 6421(b)(2) (as in effect on the day before the date of the enactment of the Energy Tax Act of 1978) as applied to the period prescribed for purposes of this subsection.

(e) [1] **Termination of exemptions.**—Subsections (a) and (c) shall not apply on and after October 1, 1988.

(Added June 29, 1956, c. 462, Title II, § 206(a), 70 Stat. 391; and amended Oct. 4, 1976, Pub. L. 94–455, Title XIX, § 1906(b)(13)(A), (B), 90 Stat. 1834; Nov. 9, 1978, Pub. L. 95–618, Title II, § 233(a)(3)(C), 92 Stat. 3191; Jan. 6, 1983, Pub.L. 97–424, Title V, § 516(b)(3), 96 Stat. 2183.

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[1] (d) is set out as an italicized note below.

Amendment of Section

Pub. L. 97–424, Title V, § 513(b), (f), Jan. 6, 1983, 96 Stat. 2177, 2179, provided that, except as otherwise provided in section 513(f) of Pub.L. 97–424, set out as a note under section 4481 of this title, this section is amended by adding a subsec. (d), effective on July 1, 1984, reading as follows:

"(d) Exemption for trucks used for less than 5,000 miles on public highways.—

"(1) Suspension of tax.—

"(A) In general.—If—

"(i) it is reasonable to expect that the use of any highway motor vehicle on public highways during any taxable period will be less than 5,000 miles, and

"(ii) the owner of such vehicle furnishes such information as the Secretary may by forms or regulations require with respect to the expected use of such vehicle,

then the collection of the tax imposed by section 4481 with respect to the use of such vehicle shall be suspended during the taxable period.

"(B) Suspension ceases to apply where use exceeds 5,000 miles.—Subparagraph (A) shall cease to apply with respect to any highway motor vehicle whenever the use of such vehicle on public highways during the taxable period exceeds 5,000 miles.

"(2) Exemption.—If—

"(A) the collection of the tax imposed by section 4481 with respect to any highway motor vehicle is suspended under paragraph (1),

"(B) such vehicle is not used during the taxable period on public highways for more than 5,000 miles, and

"(C) except as otherwise provided in regulations, the owner of such vehicle furnishes such information as the Secretary may require with respect to the use of such vehicle during the taxable period,

then no tax shall be imposed by section 4481 on the use of such vehicle for the taxable period.

"(3) Refund where tax paid and vehicle not used for more than 5,000 miles.—If—

"(A) the tax imposed by section 4481 is paid with respect to any highway motor vehicle for any taxable period, and

"(B) the requirements of subparagraphs (B) and (C) of paragraph (2) are met with respect to such taxable period,

the amount of such tax shall be credited or refunded (without interest) to the person who paid such tax.

"(4) Relief from liability for tax under certain circumstances where truck is transferred.—Under regulations prescribed by the Secretary, the owner of a highway motor vehicle with respect to which the collection of the tax imposed by section 4481 is suspended under paragraph (1) shall not be liable for the tax imposed by section 4481 (and the new owner shall be liable for such tax) with respect to such vehicle if—

"(A) such vehicle is transferred to a new owner,

"(B) such suspension is in effect at the time of such transfer, and

"(C) the old owner furnishes such information as the Secretary by forms and regulations requires with respect to the transfer of such vehicle.

"(5) Owner defined.—For purposes of this subsection, the term 'owner' means, with respect to any highway motor vehicle, the person described in section 4481(b)."

Sec. **4484. Cross reference.**

(1) For penalties and administrative provisions applicable to this subchapter, see subtitle F. (added June 29, 1956, c. 462, Title II, § 206(a), 70 Stat. 391; amended Jan. 14, 1983, Pub. L. 97-473, Title II, § 202(b)(10), 96 Stat. 2610.)

* * * * * * *

Sec. **6156. Installment payments of tax on use of highway motor vehicles.**

(a) Privilege to pay tax in installments.—If the taxpayer files a return of the tax imposed by section 4481 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

If liability is incurred in—	The number of installments shall be—
July, August, or September	4
October, November, or December	3
January, February, or March	2

(b) Dates for paying installments

In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) the first installment shall be paid on the date prescribed for payment of the tax,

(2) the second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred,

(3) the third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) the fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) Proration of additional tax to installments

If an election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) Acceleration of payments

If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) Section inapplicable to certain liabilities.—This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of 1988.

(Added by Pub. L. 87-61, Title II, § 203(c)(1), June 29, 1961, 75 Stat. 124, and amended by Pub. L. 91-258, Title II, § 206(b), (d)(2), May 21, 1970, 84 Stat. 245, 246; Pub. L. 91-605, Title III, § 303(a)(10), Dec. 31, 1970, 84 Stat. 1744; Pub. L. 94-280, Title III, § 303(a)(10), May 5, 1976, 90 Stat. 456; Pub. L. 95-599, Title V, § 502(a)(9), Nov. 6, 1978, 92 Stat. 2756; Pub. L. 97-248, Title II, § 280(c)(2)(C)-(E), Sept. 3, 1982 96 Stat. 564; Pub.L. 97-424, Title V, § 516(a)(6), Jan. 6, 1983, 96 Stat. 2183.

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Sec. 6206. Special rules applicable to excessive claims under sections 6420, 6421, and 6427

Any portion of a payment made under section 6420, 6421, or 6427 which constitutes an excessive amount (as defined in section 6675(b)), and any civil penalty provided by section 6675, may be assessed and collected as if it were a tax imposed by section 4081 (with respect to payments under sections 6420 and 6421), or 4041 (with respect to payments under section 6427) and as if the person who made the claim were liable for such tax. The period for assessing any such portion, and for assessing any such penalty, shall be 3 years from the last day prescribed for the filing of the claim under section 6420, 6421, or 6427, as the case may be.

(Added Apr. 2, 1956, c. 160, § 4(b)(1), 70 Stat. 90, and amended June 29, 1956, c. 462, Title II, § 208(d)(1), 70 Stat. 396; June 21, 1965, Pub. L. 89-44, Title II, § 202(c)(2)(A), 79 Stat. 139; May 21, 1970, Pub. L. 91-258, Title II, § 207(d)(3), 84 Stat. 248; Jan. 6, 1983, Pub. L. 97-424, Title V, § 515(b)(3)(A), 96 Stat. 2181.)

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Sec. 6302. Mode or time of collection.

(a) Establishment by regulations

If the mode or time for collecting any tax is not provided for by this title, the Secretary or his delegate may establish the same by regulations.

(b) Discretionary method

Whether or not the method of collecting any tax imposed by chapters 21, 31, 32, 33, section 4481 of chapter 36, section 4501(a) of chapter 37, is specifically provided for by this title, any such tax may, under regulations prescribed by the Secretary or his delegate, be collected by means of returns, stamps, coupons, tickets, books, or such other reasonable devices or methods as may be necessary or helpful in securing a complete and proper collection of the tax.

* * * * * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 775; June 29, 1956, ch. 462, Title II, § 206(b), 70 Stat. 391; Oct. 4, 1976, Pub. L. 94-455, Title XIX, § 1906(a)(17), 90 Stat. 1825.)

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Sec. 6412. Floor stocks refunds.

(a) In general.—

(1) Trucks, tires, tubes, tread rubber, and gasoline.—Where before October 1, 1988, any article subject to the tax imposed by section 4061(a)(1), 4071(a)(1), (3) or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use), there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, 1988, if claim for such credit or refund is filed with the Secretary on or before March 31, 1989, based upon a request submitted to the manufacturer, producer, or importer before January 1, 1989, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before March 31, 1989, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline. No credit or refund shall be allowable under this paragraph with respect to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

(2) Definitions.—For purposes of this section—

(A) The term "dealer" includes a wholesaler, jobber, distributor, or retailer, or, in the case of tread rubber subject to tax under section 4071(a)(4), includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use.

(B) An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(b) Limitation on eligibility for credit or refund

No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed under this section.

(c) Other laws applicable

All provisions of law, including penalties, applicable in respect of the taxes imposed by sections 4061, 4071, and 4081 shall, insofar as applicable and not inconsistent with subsections (a) and (b) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if such credits or refunds constituted overpayments of such taxes. (Aug. 16, 1954, ch. 736, 68A Stat. 795; Mar. 30, 1955, ch. 18, § 3(b)(4), 69 Stat. 15; Mar. 29, 1956, ch. 115, § 3(b)(4), 70 Stat. 67; May 29, 1956, ch. 342, § 19, 70 Stat. 221; June 29, 1956, ch.

462, Title II, § 208(a), 70 Stat. 392; Mar. 29, 1957, Pub. L. 85–12, § 3(b)(4), 71 Stat. 10; June 30, 1958, Pub. L. 85–475, § 3(b)(4), 72 Stat. 260; Sept. 2, 1958, Pub. L. 85–859, Title I, § 162(a), 72 Stat. 1306; June 30, 1959, Pub. L. 86–75, § 3(b)(3), 73 Stat. 158; Sept. 21, 1959, Pub. L. 86–342, Title II, § 201(c)(4), 73 Stat. 614; June 30, 1960, Pub. L. 86–564, Title II, § 202(b)(3), 74 Stat. 291; July 6, 1960, Pub. L. 86–592, § 2, 74 Stat. 330; Mar. 31, 1961, Pub. L. 87–15, § 2(b), 75 Stat. 40; June 29, 1961, Pub. L. 87–61, Title II, § 206(c), (d), 75 Stat. 127; June 30, 1961, Pub. L. 87–72, § 3(b)(3), 75 Stat. 193; May 24, 1962, Pub. L. 87–456, Title III, § 302(d), 76 Stat. 77; June 28, 1962, Pub. L. 87–508, § 3(b)(3), 76 Stat. 114; July 13, 1962, Pub. L. 87–535, § 18(b), 76 Stat. 166; June 29, 1963, Pub. L. 88–52, § 3(b)(1)(C), 77 Stat. 72; June 30, 1964, Pub. L. 88–348, § 2(b)(1)(C), 78 Stat. 237; June 21, 1965, Pub. L. 89–44, Title II, § 209(a), (d), 79 Stat. 141, 144; Mar. 15, 1966, Pub. L. 89–368, Title II, § 201(b), 80 Stat. 66; Apr. 12, 1968, Pub. L. 90–285, § 1(a)(2), 82 Stat. 92; June 28, 1968, Pub. L. 90–364, Title I, § 105(a)(2), 82 Stat. 265; Dec. 30, 1969, Pub. L. 91–172, Title VII, § 702(a)(2), 83 Stat. 660; Dec. 31, 1970, Pub. L. 91–605, Title III, § 303(b), 84 Stat. 1744; Dec. 31, 1970, Pub. L. 91–614, Title II, § 201(a)(2), 84 Stat. 1843; Dec. 10, 1971, Pub. L. 92–178, Title IV, § 401(g)(5), 85 Stat. 533; May 5, 1976, Pub. L. 94–280, Title III, § 303(b), 90 Stat. 457; Oct. 4, 1976, Pub. L. 94–455, Title XIX, § 1906(a)(22), (b)(13)(A), 90 Stat. 1826, 1834; Nov. 6, 1978, Pub. L. 95–599, Title V, § 502(c), 92 Stat. 2757; Nov. 9, 1978, Pub. L. 95–618. Title II, § 231(f)(1), 92 Stat. 3189; Jan. 6, 1983, Pub. L. 97–424, Title V, § 516(a)(5), 96 Stat. 2183.)

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Sec. 6416. Certain taxes on sales and services.

(a) Condition to allowance.—

(1) General rule.—No credit or refund of any overpayment of tax imposed by chapter 31 (relating to retail excise taxes), or chapter 32 (manufacturers taxes) shall be allowed or made unless the person who paid the tax establishes, under regulations prescribed by the Secretary, that he—

(A) has not included the tax in the price of the article with respect to which it has imposed and has not collected the amount of the tax from the person who purchased such article;

(B) has repaid the amount of the tax to the ultimate purchaser of the article;

(C) in the case of an overpayment under subsection (b)(2), (b)(3)(C) or (D), or (b)(4) of this section—

(i) has repaid or agreed to repay the amount of the tax to the ultimate vendor of the article, or

(ii) has obtained the written consent of such ultimate vendor to the allowance of the credit or the making of the refund; or

(D) has filed with the Secretary or his delegate the written consent of the person referred to in subparagraph (B) to the allowance of the credit or the making of the refund.

(2) EXCEPTIONS.—This subsection shall not apply to—

(A) the tax imposed by section 4041 (relating to tax on special fuels) on the use of any liquid, and

(B) an overpayment of tax under paragraph (1), (3)(A) or (B), or (5) of subsection (b) of this section.

(3) SPECIAL RULES.—For purposes of this subsection—

(A) in any case in which the Secretary or his delegate determines that an article is not taxable, the term "ultimate purchaser" (when used in paragraph (1)(B) of this subsection) includes a wholesaler, jobber, distributor, or retailer who, on the 15th day after the date of such determination, holds such article for sale; but only if claim for credit or refund by reason of this subparagraph is filed on or before the day for filing the return with respect to the taxes imposed under chapter 32 for the first period which begins more than 60 days after the date of such determination; and

(B) in applying paragraph (1)(C) to any overpayment under paragraph (2)(F), (3)(C), or (4) of subsection (b), the term "ultimate vendor" means the ultimate vendor of the other article.

(b) Special cases in which tax payments considered overpayments

Under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made in respect of the overpayments determined under the following paragraphs:

* * * * * * *

(2) SPECIFIED USES AND RESALES.—The tax paid under chapter 32 (or under section 4041(a)(1) or (b)(1)) in respect of any article shall be deemed to be an overpayment if such article was, by any person—

(A) exported (except in any case to which subsection (g) applies);

(B) used or sold for use as supplies for vessels or aircraft;

(C) sold to a State or local government for the exclusive use of a State or local government;

(D) sold to a nonprofit educational organization for its exclusive use;

(E) in the case of a tire or inner tube, resold for use as provided in subparagraph (C) of paragraph (3) (or in the case of the tread rubber on a recapped or retreaded tire, resold for use as provided in subparagraph (D) of paragraph (3)), and the other article referred to in such subparagraph is by any person exported or sold as provided in such subparagraph;

(F) in the case of any article taxable under section 4061(b) (other than spark plugs and storage batteries), used or sold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under section 4061(a));

(G) in the case of tread rubber in respect of which tax was paid under section 4071(a)(4)—

(i) used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)),

(ii) destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process,

(iii) used in the recapping or retreading of a tire the sale of which is later adjusted pursuant to a warranty or guarantee, in which case the overpayment shall be in proportion to the adjustment in the sales price of such tire, or

(iv) used in the recapping or retreading of a tire, if such tire is by any person exported, used or sold for use as supplies for vessels or aircraft, sold to a State or local government for the exclusive use of a State or local government, or sold to a nonprofit educational organization for its exclusive use,

unless credit or refund of such tax is allowable under paragraph (3);

(H) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;

(I) in the case of any article taxable under section 4061(b), sold for use by the purchaser on or in connection with an automobile bus;

(J) in the case of a box, container, receptacle, bin, or other similar article taxable under section 4061(a), sold to any person for use as described in section 4063(a)(7);

(K) in the case of any article taxable under section 4061(b), sold on or in connection with the first retail sale of a light-duty truck, as described in section 4061(a)(2), if credit or refund of such tax is not available under any other provisions of law;

(L) in the case of any tire or inner tube taxable under paragraph (1) or (3) of section 4071(a), sold to any person for use as described in section 4221(e)(5)(A); or

(M) in the case of tread rubber taxable under paragraph (4) of section 4071(a), used in the recapping or retreading of a tire sold to any person for use on or in connection with a qualified bus (as defined in section 4221(d)(7)).

Subparagraphs (C) and (D) shall not apply in the case of any tax paid under section 4064. The amount of the credit or refund under subparagraph (N) with respect to any lubricating oil shall be the amount which would be exempt from tax under section 4093. **

(3) Tax-paid articles used for further manufacture, etc.—If the tax imposed by chapter 32 has been paid with respect to the sale of any article (other than coal taxable under section 4121) by the manufacturer, producer, or importer thereof and such article is sold to a subsequent manufacturer or producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if—

(A) in the case of any article other than an article to which subparagraph (B), (C), (D), or (E) applies, such article is used by the subsequent manufacturer or producer as material in the manufacture or production of, or as a component part of—

(i) another article taxable under chapter 32, or

(ii) an automobile bus chassis or an automobile bus body,

manufactured or produced by him;

(B) in the case of a part or accessory taxable under section 4061(b), such article is used by the subsequent manufacturer or producer as material in the manufacture or production of, or as a component part of, any other article manufactured or produced by him;

(C) in the case of a tire or inner tube taxable under section 4071, such article is sold by the subsequent manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is—

(i) an automobile bus chassis or an automobile bus body, or

(ii) by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft;

(D) in the case of tread rubber in respect of which tax was paid under section 4071(a)(4) used in the recapping or retreading of a tire, such tire is sold by the subsequent manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or

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** Jan 6, 1983, Public Law 97-424, Title V, § 515(b)(4)(B), 96 Stat. 2181, amended § 6416(b)(2) to strike out the next to the last sentence—presume intentions were to delete the last sentence as subparagraph (N) was deleted by § 515(b)(4)(A) of the Act.

aircraft, unless credit or refund of such tax is allowable under subparagraph (C);

(E) in the case of—

(i) a bicycle tire (as defined in section 4221(e)(4)(B)), or

(ii) an inner tube for such a tire,

such article is used by the subsequent manufacturer or producer as material in the manufacture or production of, or as a component part of, a bicycle (other than a rebuilt or reconditioned bicycle); or

(F) in the case of gasoline taxable under section 4081, such gasoline is used by the subsequent manufacturer or producer, for nonfuel purposes, as a material in the manufacture or production of any other article manufactured or produced by him.

For purposes of subparagraphs (A) and (B), an article shall be treated as having been used as a component part of another article if, had it not been broken or rendered useless in the manufacture or production of such other article, it would have been so used.

(4) Tires and inner tubes.—If—

(A) a tire or inner tube taxable under section 4071, or a recapped or retreaded tire in respect of which tax under section 4071(a)(4) was paid on the tread rubber used in the recapping or retreading, is sold by the manufacturer, producer, or importer thereof on or in connection with, or with the sale of, any other article manufactured or produced by him; and

(B) such other article is—

(i) an automobile bus chassis or an automobile bus body, or

(ii) by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft,

any tax imposed by chapter 32 in respect of such tire or inner tube which has been paid by the manufacturer, producer, or importer thereof shall be deemed to be an overpayment by him.

(5) RETURN OF CERTAIN INSTALLMENT ACCOUNTS.—If—

(A) tax was paid under section 4216(e)(1) in respect of any installment account,

(B) such account is, under the agreement under which the account was sold, returned to the person who sold such account, and

(C) the consideration is readjusted as provided in such agreement, the part of the tax paid under section 4216(e)(1) allocable to the part of the consideration repaid or credited to the purchaser of such account shall be deemed to be an overpayment.

This subsection shall apply in respect of an article only if the exportation or use referred to in the applicable provision of this subsection occurs before any other use, or, in the case of a sale or resale, the use referred to in the applicable provision of this subsection is to occur before any other use.

(c) Credit for tax paid on tires or inner tubes.—If tires or inner tubes on which tax has been paid under chapter 32 are sold on or in connection with, or with the sale of, another article taxable under chapter 32, there shall (under regulations prescribed by the Secretary) be credited (without interest) against the tax imposed on the sale of such other article, an amount determined by multiplying the applicable percentage rate of tax for such other article by—

(1) the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base), if such tires or inner tubes were taxable under section 4071 (relating to tax on tires and inner tubes); or

(2) if such tires or inner tubes were taxable under section 4218 (relating to use by manufacturer, producer, or importer), the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires or inner tubes are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Secretary.

(d) Repealed. Pub. L. 89–44, Title VI, § 601(c)(14), June 21, 1965, 79 Stat. 154.

(e) Refund to exporter or shipper.—Under regulations prescribed by the Secretary the amount of any tax imposed by chapter 31, or chapter 32 erroneously or illegally collected in respect of any article exported to a foreign country or shipped to a possession of the United States may be refunded to the exporter or shipper thereof, if the person who paid such tax waives his claim to such amount.

(f) Credit on returns.—Any person entitled to a refund of tax imposed by chapter 31 or 32, paid to the Secretary may, instead of filing a claim for refund, take credit therefor against taxes imposed by such chapter due on any subsequent return.

(g) Trucks, buses, tractors, etc.—Under regulations prescribed by the Secretary, subsection (b)(2)(A) shall apply, in the case of any article subject to the tax imposed by section 4061(a), only if the article with respect to which the tax was paid was sold by the manufacturer, producer, or importer for export after receipt by him of notice of intent to export or to resell for export.

(h) Accounting procedures for like articles

Under regulations prescribed by the Secretary or his delegate, if any person uses or resells like articles, then for purposes of this section the manufacturer, producer, or importer of any such article may be identified, and the amount of tax paid under chapter 32 in respect of such article may be determined—

(1) on a first-in-first-out basis,

(2) on a last-in-first-out basis, or

(3) in accordance with any other consistent method approved by the Secretary or his delegate.

(i) Meaning of terms

For purposes of this section, any term used in this section has the same meaning as when used in chapter 31, 32, or 33, as the case may be. (Aug. 16, 1954, c. 736, 68A Stat. 798; Aug. 11, 1955, c. 793, § 2, 69 Stat. 676; Aug. 11, 1955, c. 805, § 1(h), (i), 2(b), 69 Stat. 690; Apr. 2, 1956, c. 160 § 2(b)(1), 70 Stat. 90; June 29, 1956, c. 462, Title II, § 208(b), 70 Stat. 393; June 30, 1958, Pub. L. 85–475, § 4(b)(5), (6), 72 Stat. 260; Sept. 2, 1958, Pub. L. 85–859, Title I, § 163(a), (c), 72 Stat. 1306, 1311; Sept. 21, 1959, Pub. L. 86–342, Title II, § 201(d)(1), 73 Stat. 614; Apr. 8, 1960, Pub. L. 86–418, § 3, 74 Stat. 38; Sept. 14, 1960, Pub. L. 86–781, § 2, 74 Stat. 1018; June 29, 1961, Pub. L. 87–61, Title II, § 205(c), (d), 75 Stat. 126; June 28, 1962, Pub. L. 87–508, § 5(c)(3), 76 Stat. 119; June 21, 1965, Pub. L. 89–44, Title II, § 207(c), Title VI, § 601(c), Title VIII, § 801(d)(2), 79 Stat. 140, 153, 158; May 21, 1970, Pub. L. 91–258, Title II, §§ 205(b)(3), (4), and 207(d)(4)–(7), 84 Stat. 242, 248, 249; Dec. 31, 1970, Pub. L. 91–614, Title III, § 302, 84 Stat. 1845; Dec. 10, 1971, Pub. L. 92–178, Title IV, § 401(a)(3)(C), (g)(6), 85 Stat. 531, 534; Oct. 4, 1976, Pub. L. 94–455, Title XIX, §§ 1904(b)(1), 1906(a)(24)(A), (B)(i), (b)(13)(A), Title XXI, § 2108(a), 90 Stat. 1815, 1827, 1834, 1904; Feb. 10, 1978, Pub. L. 95–227, § 2(b)(4), 92 Stat. 12; Nov. 9, 1978, Pub. L. 95–618, Title II, §§ 201(c)(3), 232(b), 233(c)(3), 92 Stat. 3184, 3189, 3192; Apr. 1, 1980, Pub. L. 96–222, Title I, § 108(c)(2)(A), (B), (3), (4), 94 Stat. 227; Dec. 24, 1980, Pub. L. 96–598, § 1(a), (b), 94 Stat. 3485; Jan. 6, 1983, Pub. L. 97–424, Title V, §§ 511(g)(2)(A), 512(b)(2)(C), (D), 515(b)(4), 96 Stat. 2173, 2177, 2181.)

Sec. 6420. Gasoline used on farms.

(a) Gasoline.—Except as provided in subsection (g), if gasoline is used on a farm for farming purposes, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline the amount determined by multiplying—

(1) the number of gallons so used, by

(2) the rate of tax on gasoline under section 4081 which applied on the date he purchased such gasoline.

(b) Time for filing claims; period covered.—Not more than one claim may be filed under this section by any person with respect to gasoline used during his taxable year, and no claim shall be allowed under this section with respect to gasoline used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year. For purposes of this subsection, a person's taxable year shall be his taxable year for purposes of subtitle A.

(c) Meaning of terms.—For purpose of this section—

(1) USE ON A FARM FOR FARMING PURPOSES.—Gasoline shall be treated as used on a farm for farming purposes only if used (A) in carrying on a trade or business, (B) on a farm situated in the United States, and (C) for farming purposes.

(2) FARM.—The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(3) Farming purposes.—Gasoline shall be treated as used for farming purposes only if used—

(A) by the owner, tenant, or operator of a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, on a farm of which he is the owner, tenant, or operator;

(B) by the owner, tenant, or operator of a farm, in handling, drying, packing, grading, or storing any agricultural or horticultural commodity in its unmanufactured state; but only if such owner, tenant, or operator produced more than one-half of the commodity which he so treated during the period with respect to which claim is filed;

(C) by the owner, tenant, or operator of a farm, in connection with—

(i) the planting, cultivating, caring for, or cutting of trees, or

(ii) the preparation (other than milling) of trees for market, incidental to farming operations; or

(D) by the owner, tenant, or operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment.

(4) Certain farming use other than by owner, etc.—In applying paragraph (3)(A) to a use on a farm for any purpose described in paragraph (3)(A) by any person other than the owner, tenant, or operator of such farm—

(A) the owner, tenant, or operator of such farm shall be treated as the user and ultimate purchaser of the gasoline, except that

(B) if—

(i) the person so using the gasoline is an aerial or other applicator of fertilizers or other substances and is the ultimate purchaser of the gasoline, and

(ii) the person described in subparagraph (A) waives (at such time and in such form and manner as the Secretary shall prescribe) his right to be treated as the user and ultimate purchaser of the gasoline,

then subparagraph (A) of this paragraph shall not apply and the aerial or other applicator shall be treated as having used such gasoline on a farm for farming purposes.

(5) Gasoline.—The term "gasoline" has the meaning given to such term by section 4082(b).

(d) Exempt sales; other payments or refunds available

No amount shall be payable under this section with respect to any gasoline which the Secretary or his delegate determines was exempt from the tax imposed by section 4081. The amount which (but for this sentence) would be payable under this section with respect to any gasoline shall be reduced by any other amount which the Secretary or his delegate determines is payable under this section, or is refundable under any provision of this title, to any person with respect to such gasoline.

(e) Applicable laws.—

(1) In general.—All provisions of law, including penalties, applicable in respect of the tax imposed by section 4081 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

(2) EXAMINATION OF BOOKS AND WITNESSES.—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

(3) FRACTIONAL PARTS OF A DOLLAR.—Section 7504 (granting the Secretary discretion with respect to fractional parts of a dollar) shall not apply.

(f) Regulations

The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

(g) Income tax credit in lieu of payment.—

(1) Persons not subject to income tax.—Payment shall be made under subsection (a), only to—

(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

(B) an organization exempt from tax under section 501(a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

(2) Allowance of credit against income tax.—

For allowance of credit against the tax imposed by subtitle A, see section 39.

(h) Termination.—This section shall apply only with respect to gasoline purchased before October 1, 1988.

(i) Cross references.—

(1) For exemption from tax in case of special fuels used on a farm for farming purposes, see section 4041(f).

(2) For civil penalty for excessive claim under this section, see section 6675.

(3) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

(4) For treatment of an Indian tribal government as a State (and a subdivision of an Indian tribal government as a political subdivision of a State), see section 7871.

(Added Apr. 2, 1956, c. 160, § 1, 70 Stat. 87, and amended Sept. 2, 1958, Pub. L. 85-859, Title I, § 163(d)(2), 72 Stat. 1311; June 21, 1965, Pub. L. 89-44, Title VIII, § 809(a), 79 Stat. 165; May 21, 1970, Pub. L. 91-258, Title II, §§ 205(c)(7) and 207(b), 84 Stat. 242, 248; Oct. 4, 1976, Pub. L. 94-455, Title XIX, § 1906(a)(26), (b)(6)(A), 13(A), 90 Stat. 1827, 1833-1834; Pub. L. 95-458; § 3(a), (c), 92 Stat. 1257; Jan. 6, 1983, Pub. L. 97-424, Title V, §§ 511(f), 516(b)(4), 96 Stat. 2172, 2183; Jan. 14, 1983, Pub. L. 97-473, Title II, § 202(b)(12), 96 Stat. 2610.)

Sec. 6421. Gasoline used for certain nonhighway purposes or by local transit systems.

(a) Nonhighway uses.—Except as provided in subsection (i), if gasoline is used in an off-highway business use, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons so used by the rate at which tax was imposed on such gasoline under section 4081. Except as provided in paragraph (3) of subsection (e) of this section, in the case of gasoline used as a fuel in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081.

(b) Intercity, local, or school buses.—

(1) Allowance.—Except as provided in paragraph (2) and subsection (i), if gasoline is used in an automobile bus while engaged in—

(A) furnishing (for compensation) passenger land transportation available to the general public, or

(B) the transportation of students and employees of schools (as defined in the last sentence of section 4221(d)(7)(C)),

the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the product of the number of gallons of gasoline so used multiplied by the rate at which tax was imposed on such gasoline by section 4081.

(2) Limitation in case of nonscheduled intercity or local buses.— Paragraph (1)(A) shall not apply in respect of gasoline used in any automobile bus while engaged in furnishing transportation which is not scheduled and not along regular routes unless the seating capacity of such bus is at least 20 adults (not including the driver).

(c) Time for filing claims; period covered.—

(1) In general.—Except as provided in paragraph (2), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during his taxable year; and no claim shall be allowed under this paragraph with respect to gasoline used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year. For purposes of this subsection, a person's taxable year shall be his taxable year for purposes of subtitle A.

(2) Exception.—If $1,000 or more is payable under this section to any person with respect to gasoline used during any of the first three quarters of his taxable year, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

(d) Definitions.—For purposes of this section—

(1) Gasoline.—The term "gasoline" has the meaning given to such term by section 4082(b).

(2) Off-Highway business use.—

(A) In general.—The term "off-highway business use" means any use by a person in a trade or business of such person or in an activity of such person described in section 212 (relating to production of income) otherwise than as a fuel in a highway vehicle—

(i) which (at the time of such use), is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or

(ii) which, in the case of a highway vehicle owned by the United States, is used on the highway.

(B) Exception for use in motorboats.—The term "off-highway business use" does not include any use in a motorboat. The preceding sentence shall not apply to use in a vessel employed in the fisheries or in the whaling business.

(C) Commercial fishing vessels.—For provisions exempting from tax gasoline, and special motor fuels used for commercial fishing vessels, see—

(i) subsections (a)(3) and (d)(3) of section 4221 (relating to certain tax-free sales),

(ii) section 6416(b)(2)(B) (relating to refund or credit in case of certain uses), and

(iii) section 4041(g)(1) (relating to exemptions from tax on special fuels).

(e) Exempt sales; other payments or refunds available.—

(1) EXEMPT SALES.—No amount shall be payable under this section with respect to any gasoline which the Secretary or his delegate determines was exempt from the tax imposed by section 4081. The amount which (but for this sentence) would be payable under this section with respect to any gasoline shall be reduced by any other amount which the Secretary or his delegate determines is payable under this section, or is refundable under any provision of this title, to any person with respect to such gasoline.

(2) GASOLINE USED ON FARMS.—This section shall not apply in respect of gasoline which was (within the meaning of paragraphs (1), (2), and (3) of section 6420(c)) used on a farm for farming purposes.

(3) Gasoline used in noncommercial aviation.—This section shall not apply in respect of gasoline which is used as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)).

(f) Applicable laws

(1) IN GENERAL.—All provisions of law, including penalties, applicable in respect of the tax imposed by section 4081 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

(2) EXAMINATION OF BOOKS AND WITNESSES.—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

(g) Regulations

The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

(h) Effective date.—This section shall apply only with respect to gasoline purchased before October 1, 1988.

(i) Income tax credit in lieu of payment.—

(1) Persons not subject to income tax.—Payment shall be made under subsections (a) and (b) only to—

(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

(B) an organization exempt from tax under section 501(a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

(2) Exception.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (c)(2).

(3) Allowance of credit against income tax.—

For allowance of credit against the tax imposed by subtitle A see section 39.

(j) Cross references.—

(1) For rate of tax in case of special fuels used in noncommercial aviation or for nonhighway purposes, see section 4041.

(2) For civil penalty for excessive claims under this section, see section 6675.

(3) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

(4) For treatment of an Indian tribal government as a State (and a subdivision of an Indian tribal government as a political subdivision of a State), see section 7871.

(Added June 29, 1956, c. 462, Title II, § 208(c), 79 Stat. 394, and amended July 25, 1956, c. 725, § 2, 70 Stat. 644; Sept. 2, 1958, Pub. L. 85–859, Title I, §§ 163(d)(3), 164(a), 72 Stat. 1312; Sept. 21, 1959, Pub. L. 86–342, Title II, § 201(d)(2), 73 Stat. 615; June 29, 1961, Pub. L. 87–61, Title II, § 201(e), 75 Stat. 124; June 28, 1962, Pub. L. 87–508, § 5(c)(2), 76 Stat. 118; June 21, 1965, Pub. L. 89–44, Title VIII, § 809(b), 79 Stat. 166; May 21, 1970, Pub. L. 91–258, Title II,

§§ 205(b)(1), (c), (8), 207(b), 84 Stat. 241, 242, 248; Dec. 31, 1970, Pub. L. 91-605, Title III, § 303(a)(11), 84 Stat. 1744; May 5, 1976, Pub. L. 94-280, Title III, § 303(a)(11), 90 Stat. 456; Oct. 4, 1976, Pub. L. 94-455, Title XIX, § 1906(a)(27)(A)(i), (B)-(D), (b)(13)(A), 90 Stat. 1827, 1828, 1834; Nov. 6, 1978, Pub. L. 95-599, Title V, § 502(a)(10), 92 Stat. 2756; Nov. 9, 1978, Pub. L. 95-618, Title II, §§ 222(a)(1), 233(a)(1), (3)(A), 92 Stat. 3186, 3190; Apr. 1, 1980, Pub. L. 96-222, Title I, § 108(c)(1), 94 Stat. 226; Pub. L. 97-424, Title V, §§ 511(c)(1), (3), 515(b)(7), 516(a)(6), Jan. 6, 1983, 96 Stat. 2170, 2171, 2182, 2183; Pub.L. 97-473, Title II, § 202(b)(12), Jan. 14, 1983, 96 Stat. 2610.)

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Sec. 6424. Lubricating oil used for certain nontaxable purposes. [Repealed. Pub. L. 97-424, Title V. § 515(b)(5), Jan. 6, 1983, 96 Stat. 2181.]

Sec. 6427. Fuels not used for taxable purposes.

(a) Nontaxable uses.—Except as provided in subsection (i), if tax has been imposed under section 4041(a), or (c) on the sale of any fuel and the purchaser uses such fuel other than for the use for which sold, or resells such fuel, the Secretary shall pay (without interest) to him an amount equal to—

(1) the amount of tax imposed on the sale of the fuel to him, reduced by

(2) if he uses the fuel, the amount of tax which would have been imposed under section 4041 on such use if no tax under section 4041 had been imposed on the sale of the fuel.

(b) Intercity, local, or school buses.—

(1) Allowance.—Except as provided in paragraph (2) and subsection (i), if any fuel on the sale of which tax was imposed by subsection (a) of section 4041 is used in an automobile bus while engaged in—

(A) furnishing (for compensation) passenger land transportation available to the general public, or

(B) the transportation of students and employees of schools (as defined in the last sentence of section 4221(d)(7)(C)), the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the product of the number of gallons of such fuel so used multiplied by the rate at which tax was imposed on such fuel by subsection (a) of section 4041.

(2) Limitation in case of nonscheduled intercity or local buses.—Paragraph (1)(A) shall not apply in respect of fuel used in any automobile bus while engaged in furnishing transportation which is not scheduled and not along regular routes unless the seating capacity of such bus is at least 20 adults (not including the driver).

(c) Use for farming purposes.—Except as provided in subsection (i), if any fuel on the sale of which tax was imposed under section 4041(a) or

(c) is used on a farm for farming purposes (within the meaning of section 6420(c)), the Secretary shall pay (without interest) to the purchaser an amount equal to the amount of the tax imposed on the sale of the fuel. For purposes of this subsection, if fuel is used on a farm by any person other than the owner, tenant, or operator of such farm, the rules of paragraph (4) of section 6420(c) shall be applied (except that "liquid taxable under section 4041" shall be substitued for "gasoline" each place it appears in such paragraph (4)).

(d) Use by certain aircraft museums or in certain helicopters.—Except as provided in subsection (i), if—

(1) any gasoline on which tax was imposed by section 4081, or

(2) any fuel on the sale of which tax was imposed under section 4041,

is used by an aircraft museum (as defined in section 4041(h)(2)) in an aircraft or vehicle owned by such museum and used exclusively for purposes set forth in section 4041(h)(2)(C), or is used in a helicopter for a purpose described in section 4041(*l*), the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline or fuel an amount equal to the aggregate amount of the tax imposed on such gasoline or fuel.

(e) Use in certain taxicabs.—

(1) In general.—Except as provided in subsection (i), if—

(A) any gasoline on which tax is imposed by section 4081, or

(B) any fuel on the sale of which tax is imposed by section 4041,

is used in a qualified taxicab while engaged exclusively in furnishing qualified taxicab services, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline or fuel an amount determined at the rates of 4 cents a gallon.

(2) Definitions.—For purposes of this subsection—

(A) Qualified taxicab services.—The term "qualified taxicab services" means the furnishing of nonscheduled passenger land transportation for a fixed fare by a taxicab which is operated by a person who—

(i) is licensed to engage in the trade or business of furnishing such transportation by a Federal, State, or local authority having jurisdiction over a substantial portion of such transportation furnished by such person, and

(ii) is not prohibited by company policy from furnishing (with the consent of the passengers) shared transportation.

(B) Qualified taxicab.—Except as provided by subparagraph (C), the term "qualified taxicab" means any land vehicle the passenger capacity of which is less than 10 adults, including the driver.

(C) Certain gas-guzzling taxicabs excluded.—The term "qualified taxicab" does not include any vehicle if—

(i) such vehicle was acquired by the person operating such vehicle after 1978,

(ii) the model year of such vehicle is 1978 or later, and

(iii) the fuel economy of the model type of such vehicle is less than or equal to the average fuel economy standard applicable under section 502(a) of the Motor Vehicle Information and Cost Savings Act to the model year of such vehicle.

The preceding sentence shall not apply to any vehicle manufactured by a manufacturer to which an exemption under section 502(c) of the Motor Vehicle Information and Cost Savings Act was granted (or on application could have been granted) for the model year of such vehicle. Terms used in this subparagraph shall have the same meaning, as when used in Title V of the Motor Vehicle Information and Cost Savings Act.

(3) Termination.—This subsection shall not apply after September 30, 1984.

(f) Gasoline used to produce certain alcohol fuels.—

(1) In general.—Except as provided in subsection (i), if any gasoline on which a tax is imposed by section 4081 at the rate of 9 cents a gallon is used by any person in producing a mixture described in section 4081(c) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the amount determined at the rate of 5 cents a gallon. The preceding sentence shall not apply with respect to any mixture sold or used after December 31, 1992.

(2) Coordination with other repayment provisions.—No amount shall be payable under paragraph (1) with respect to any gasoline with respect to which an amount is payable under subsection (d) or (e) of this section or under section 6420 or 6421.

(g) Time for filing claims; period covered.—

(1) General rule.—Except as provided in paragraph (2), not more than one claim may be filed under subsection (a), (b), (c), (d), (e), or (f) by any person with respect to fuel used during his taxable year; and no claim shall be allowed under this paragraph with respect to fuel used during any taxable year unless filed by the purchaser not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year. For purposes of this paragraph, a person's taxable year shall be his taxable year for purposes of subtitle A.

(2) Exceptions.—

(A) In general.—If—

(i) $1,000 or more is payable under subsections (a), (b), (d), and (e),

(ii) $50 or more is payable under subsection (e), or

(iii) $200 or more is payable under subsection (f), to any person with respect to fuel used during any of the first three quarters of his taxable year, a claim may be filed under this section by the purchaser with respect to fuel used during such quarter.

(B) Special rule.—If the requirements of clause (ii) or clause (iii) of subparagraph (A) are met by any person for any quarter but the requirements of subparagraph (A)(i) are not met by such person for such quarter, such person may file a claim under subparagraph (A) for such quarter only with respect to amounts referred to in the clause (or clauses) of subparagraph (A) the requirements of which are met by such person for such quarter.

(C) Time for filing claim.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

(h) Applicable laws.—

(1) In general.—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4041 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

(2) Examination of books and witnesses.—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

(i) Income tax credit in lieu of payment.—

(1) Persons not subject to income tax.—Payment shall be made under this section only to—

(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or any agency or instrumentality of one or more States or political subdivisions, or

(B) an organization exempt from tax under section 501(a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

(2) Exception.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (g)(2).

(3) Allowance of credit against income tax.—

For allowances of credit against the income tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

(j) Regulations.—The Secretary may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

(k) Termination of subsections (a), (b), (c), and (d).—Subsections (a), (b), (c), and (d) shall only apply with respect to fuels purchased before October 1, 1988.

(l) Cross references.—

(1) For civil penalty for excessive claims under this section, see section 6675.

(2) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

(3) For treatment of an Indian tribal government as a State (and a subdivision of an Indian tribal government as a political subdivision of a State), see section 7871.

(Added Pub.L. 91–258, Title II, § 207(a), May 21, 1970, 84 Stat. 246, and amended Pub.L. 94–455, Title XIX, § 1906(a)(31)(A), (b)(13)(A), Oct. 4, 1976, 90 Stat. 1829, 1834; Pub.L. 94–530, § 1(b), (c)(2)–(5), Oct. 17, 1976, 90 Stat. 2487, 2488; Pub.L. 95–458, § 3(b), Oct. 14, 1978, 92 Stat. 1257; Pub.L. 95–599, Title V, § 505(a), (b), (c)(2)–(4), Nov. 6, 1978, 92 Stat. 2758–2760; Pub.L. 95–600, Title VII, § 703(*l*)(3), Nov. 6, 1978, 92 Stat. 2942; Pub.L. 95–618, Title II, § 233(a)(2), Nov. 9, 1978, 92 Stat. 3190; Pub.L. 96–223, Title II, § 232(d)(1), (2), (4)(B)–(D), Apr. 2, 1980, 94 Stat. 277, 278; Pub.L. 96–541, § 4, Dec. 17, 1980, 94 Stat. 3205; Pub.L. 97–248, Title II, § 279(b)(2), Sept. 3, 1982, 96 Stat. 563; Pub.L. 97–424, Title V, §§ 511(d)(4), (e)(1)–(3), (g)(2)(B)–(D), 516(b)(5), Jan. 6, 1983, 96 Stat. 2171, 2172, 2173; Pub.L. 97–473, Title II, § 202(b)(13), Jan. 14, 1983, 96 Stat. 2610.)

Sec. 6504. Cross references.

For limitation period in case of—

(1) Adjustments to accrued foreign taxes, see section 905(c).

(2) Change of treatment with respect to itemized deductions and zero bracket amount where taxpayer and his spouse make separate returns, see section 63(g)(5).

(3) Involuntary conversion of property, see section 1033(a)(2)(C) and (D).

(4) Gain upon sale or exchange of principal residence, see section 1034(j).

(5) Application by fiduciary for discharge from personal liability for estate tax, see section 2204.

(6) Insolvent banks and trust companies, see section 7507.

(7) Service in a combat zone, etc., see section 7508.

(8) Claims against transferees and fiduciaries, see chapter 71.

(9) Assessments to recover excessive amounts paid under section 6420 (relating to gasoline used on farms), 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems), or 6427 (relating to fuels not used for taxable purposes) and assessments of civil penalties under section 6675 for excessive claims under section 6420, 6421, or 6427, see section 6206.

(10) Assessment and collection of interest, see section 6601(g).

(11) Assessment of civil penalties under section 6694 or 6695, see section 6696(d)(1).

(12) Assessments of tax attributable to partnership items, see section 6229.

(Aug. 16, 1954, c. 736, 68A Stat. 807; Apr. 2, 1956, c. 160, § 4(d), 70 Stat. 91; June 29, 1956, c. 462, Title II, § 208(e)(5), 70 Stat. 397; Sept. 2, 1958, Pub. L. 85-866, Title I, § 84(b), 72 Stat. 1664; Feb. 26, 1964, Pub. L. 88-272, Title I, § 112(d)(2), 78 Stat. 24; Dec. 30, 1969, Pub. L. 91-172, Title II, § 213(c)(3), 83 Stat. 572; Dec. 31, 1970, Pub. L. 91-614, Title I, § 101(d)(2), 84 Stat. 1837; Jan. 3, 1975, Pub. L. 93-625, § 7(d)(4), 88 Stat. 2115; Oct. 4, 1976, Pub. L. 94-455, Title XII, § 1203(h)(2), Title XIX, §§ 1901(b)(31)(D), (36)(C), (37)(D), (39)(B), 1906(a)(32), 90 Stat. 1694, 1800, 1802, 1803, 1829; May 23, 1977, Pub. L. 95-30, Title I, § 101(d)(16), 91 Stat. 134; Nov. 6, 1978, Pub. L. 95-600, Title IV, § 405(c)(6), Title VII, § 703(j)(10), 92 Stat. 2871, 2942; Nov. 9, 1978, Pub. L. 95-618, Title II, § 233(b)(2)(D), 92 Stat. 3191; Sept. 3, 1982, Pub.L. 97-248, Title IV, § 402(c)(6), 96 Stat. 667; Jan. 6, 1983, Pub.L. 97-424, Title V, § 515(b)(10), 96 Stat. 2182.)

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Sec. 6511. Limitations on credit or refund.

(a) Period of limitation on filing claim

Claim for credit or refund of an overpayment of any tax imposed by this title in respect of which tax the taxpayer is required to file a return shall be filed by the taxpayer within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed by the taxpayer, within 2 years from the time the tax was paid. Claim for credit or refund of an overpayment of any tax imposed by this title which is required to be paid by means of a stamp shall be filed by the taxpayer within 3 years from the time the tax was paid.

(b) Limitation on allowance of credits and refunds

(1) FILING OF CLAIM WITHIN PRESCRIBED PERIOD.—No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in subsection (a) for the filing of a claim for credit or refund, unless a claim for credit or refund is filed by the taxpayer within such period.

(2) LIMIT ON AMOUNT OF CREDIT OR REFUND.—

(A) *Limit where claim filed within 3-year period.*—If the claim was filed by the taxpayer during the 3-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the period, immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return. If the tax was required to be paid by means of a stamp, the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim.

(B) *Limit where claim not filed within 3-year period.*—If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the 2 years immediately preceding the filing of the claim.

(C) *Limit if no claim filed.*—If no claim was filed, the credit or refund shall not exceed the amount which would be allowable under subparagraph (A) or (B), as the case may be, if claim was filed on the date the credit or refund is allowed.

(c) *Special rules applicable in case of extension of time by agreement*

If an agreement under the provisions of section 6501(c)(4) extending the period for assessment of a tax imposed by this title is made within the period prescribed in subsection (a) for the filing of a claim for credit or refund—

(1) TIME FOR FILING CLAIM.—The period for filing claim for credit or refund or for making credit or refund if no claim is filed, provided in subsections (a) and (b)(1), shall not expire prior to 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof under section 6501(c)(4).

(2) LIMIT ON AMOUNT.—If a claim is filed, or a credit or refund is allowed when no claim was filed, after the execution of the agreement and within 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof, the amount of the credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection (b)(2) if a claim had been filed on the date the agreement was executed.

(3) CLAIMS NOT SUBJECT TO SPECIAL RULE.—This subsection shall not apply in the case of a claim filed, or credit or refund allowed if no claim is filed, either—

(A) prior to the execution of the agreement or

(B) more than 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof.

(d) Special rules applicable to income taxes

(1) SEVEN-YEAR PERIOD OF LIMITATION WITH RESPECT TO BAD DEBTS AND WORTHLESS SECURITIES.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

(A) The deductibility by the taxpayer, under section 166 or section 832(c), of a debt as a debt which became worthless, or, under section 165(g), of a loss from worthlessness of a security, or

(B) The effect that the deductibility of a debt or loss described in subparagraph (A) has on the application to the taxpayer of a carryover,

in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be 7 years from the date prescribed by law for filing the return for the year with respect to which the claim is made. If the claim for credit or refund relates to an overpayment on account of the effect that the deductibility of such a debt or loss has on the application to the taxpayer of a carryback, the period shall be either 7 years from the date prescribed by law for filing the return for the year of the net operating loss which results in such carryback or the period prescribed in paragraph (2) of this subsection, whichever expires the later. In the case of a claim described in this paragraph the amount of the credit or refund may exceed the portion of the tax paid within the period prescribed in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of items described in this paragraph.

(2) Special period of limitation with respect to net operating loss or capital loss carrybacks.—

(A) Period of limitation.—If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback or a capital loss carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends 3 years after the time prescribed by law for filing the return (including extensions thereof) for the taxable year of the net operating loss or net capital loss which results in such carryback, or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later; except that with respect to an overpayment attributable to the creation of, or an increase in a net operating loss carryback as a result of the elimination of excessive profits by a renegotiation (as defined in section 1481(a)(1)(A)), the period shall not expire before the expiration of the 12th month following the month in which the agreement or order for the elimination of such excessive profits becomes final. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

(B) Applicable rules.—

(i) If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback or a capital loss carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. If the allowance of an application, credit, or refund of a decrease in tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law other than section 7122, such application, credit, or refund may be allowed or made if application for a tentative carryback adjustment is made within the period provided in section 6411(a). In the case of any such claim for credit or refund or any such application for a tentative carryback adjustment, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, or with respect to the determination of a short-term capital loss, and the effect of such short-term capital loss, to the extent that such deduction or short-term capital loss is affected by a carryback which was not an issue in such proceeding.

(ii) A claim for credit or refund for a computation year (as defined in section 1302(c)(1)) shall be determined to relate to an overpayment attributable to a net operating loss carryback or a capital loss carryback, as the case may be, when such carryback relates to any base period year (as defined in section 1302(c)(3)).

(3) SPECIAL RULES RELATING TO FOREIGN TAX CREDIT.—

(A) *Special period of limitation with respect to foreign taxes paid or accrued.*—If the claim for credit or refund relates to an overpayment attributable to any taxes paid or accrued to any foreign country or to any possession of the United States for which credit is allowed against the tax imposed by subtitle A in accordance with the provisions of section 901 or the provisions of any treaty to which the United States is a party, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be 10 years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

(B) *Exception in the case of foreign taxes paid or accrued.*—In the case of a claim described in subparagraph (A), the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b) or (c), whichever is applicable, to the extent of the amount of overpayment attributable to the allowance of a credit for the taxes described in subparagraph (A).

(4) Special period of limitation with respect to certain credit carrybacks.—

(A) Period of limitation.—If the claim for credit or refund relates to an overpayment attributable to a credit carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends 3 years after the time prescribed by law for filing the return (including extensions thereof) for the taxable year of the unused credit which results in such carryback (or, with respect to any portion of a credit carryback from a taxable year attributable to a net operating loss carryback, capital loss carryback, or other credit carryback from a subsequent taxable year, the period shall be that period which ends 3 years after the time prescribed by law for filing the return, including extensions thereof, for such subsequent taxable year) or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

(B) Applicable rules.—If the allowance of a credit or refund of an overpayment of tax attributable to a credit carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall not be conclusive with respect to any credit, and the effect of such credit, to the extent that such credit is affected by a credit carryback which was not in issue in such proceeding.

(C) Credit carryback defined.—For purposes of this paragraph, the term "credit carryback" means any investment credit carryback, work incentive program credit carryback, new employee credit carryback, research credit carryback, and employee stock ownership credit carryback.

(5) Special period of limitation with respect to self-employment tax in certain cases.—If the claim for credit or refund relates to an overpayment of the tax imposed by chapter 2 (relating to the tax on self-employment income) attributable to an agreement, or modification of an agreement, made pursuant to section 218 of the Social Security Act (relating to coverage of State and local employees), and if the allowance of a credit or refund of such overpayment is otherwise prevented by the operation of any law or rule of law other than section 7122 (relating to compromises), such credit or refund may be allowed or made if claim therefor is filed on or before the last day of the second year after the calendar year in which such agreement (or modification) is agreed to by the State and the Secretary of Health, Education, and Welfare.

(6) SPECIAL PERIOD OF LIMITATION WITH RESPECT TO REDUCTION OF POLICYHOLDERS SURPLUS ACCOUNT OF LIFE INSURANCE COMPANIES.—

(A) *Period of limitation.*—If the claim for credit or refund relates to an overpayment arising by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 39th month following the end of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2), or the period prescribed in subsection (c), in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable to the extent of the amount of overpayment arising by operation of section 815(d)(5).

(B) *Applicable rules.*—If the allowance of a credit or refund of an overpayment arising by operation of section 815(d)(5) is otherwise prevented by operation of any law or rule of law, other than section 7122 (relating to compromises), such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the effect of the operation of section 815(d)(5), to the extent such effect of the operation of section 815(d)(5) was not in issue in such proceeding.

(7) Special period of limitation with respect to amounts included in income subsequently recaptured under qualified plan termination.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of the recapture, under section 4045 of the Employee Retirement Income Security Act of 1974, of amounts included in income for a prior taxable year, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund of the amount of the recapture, until the date which occurs one year after the date on which such recaptured amount is paid by the taxpayer.

(e) Special rules in case of manufactured sugar

(1) USE AS LIVESTOCK FEED OR FOR DISTILLATION OR PRODUCTION OF ALCOHOL.—No payment shall be allowed under section 6418(a) unless within 2 years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

(2) EXPORTATION.—No payment shall be allowed under section 6418(b) unless within 2 years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

(f) Special rule for chapter 42 and certain chapter 43 taxes.—For purposes of any tax imposed by chapter 42 or section 4975, the return referred to in subsection (a) shall be the return specified in section 6501(n)(1).

(g) Special rule for claims with respect to partnership items.—In the case of any tax imposed by subtitle A with respect to any person which is attributable to any partnership item (as defined in section 6231(a)(3)), the provisions of section 6227 and subsections (c) and (d) of section 6230 shall apply in lieu of the provisions of this subchapter.

(h) Special rules for windfall profit taxes.—

(1) Oil subject to withholding.—In the case of any oil to which section 4995(a) applies and with respect to which no return is required, the return referred to in subsection (a) shall be the return (of the person liable for the tax imposed by section 4986) of the taxes imposed by subtitle A for the taxable year in which the removal year (as defined in section 6501(q)(1)(B)) ends.

(2) Special rule for DOE reclassification.—In the case of any tax imposed by chapter 45, if a Department of Energy change (as defined in section 6501(q)(2)(B)) becomes final, the period for filing a claim for credit or refund for any overpayment attributable to such change shall not expire before the date which is 1 year after the date on which such change becomes final.

(3) Partnership items of federally registered partnerships.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (g) shall apply to the tax imposed by section 4986.

(i) Special rule for certain tread rubber tax credits or refunds.—The period for allowing a credit or making a refund of any overpayment of tax arising by reason of subparagraph (G)(iii) of section 6416(b)(2) with respect to any adjustment of sales price of a tire pursuant to a warranty or guarantee shall not expire if claim therefor is filed before the date which is one year after the day on which such adjustment is made.

(j) Cross references.—

(1) For time return deemed filed and tax considered paid, see section 6513.

(2) For limitations with respect to certain credits against estate tax, see sections 2011(c), 2014(b), and 2015.

(3) For limitations in case of floor stocks refunds, see section 6412.

(7) For a period of limitations for refund of an overpayment of penalties imposed under section 6694 or 6695, see section 6696(d)(2).

(Aug. 16, 1954, c. 736, 68A Stat. 808; Apr. 2, 1956, c. 160, § 4(e), 70 Stat. 91; June 29, 1956, c. 462, Title II, § 208(e)(6), 70 Stat. 397; Sept. 2, 1958, Pub. L. 85–866, Title I, § 82, 72 Stat. 1663; Sept. 16, 1959, Pub. L. 86–280, § 1(a), 73 Stat. 563; Oct. 11, 1962, Pub. L. 87–794, Title III, § 317(d), 76 Stat. 891; Oct. 16, 1962, Pub. L. 87–834, § 2(e)(2), 76 Stat. 971; Feb. 26, 1964, Pub. L. 88–272, Title II, §§ 232(d), 239, 78 Stat. 111, 128; Sept. 2, 1964, Pub. L. 88–571, § 3(c), 78 Stat. 858; Nov. 8, 1965, Pub. L. 89–331, § 9(c), 79 Stat. 1278; Dec. 27, 1967, Pub. L. 90–225, § 2(d), 81 Stat. 731; Dec. 30, 1969, Pub.L. 91–172, Title I, § 101(h), Title III, § 311(d)(3), Title V, § 512(e)(2), 83 Stat. 525, 588, 640; Dec. 10, 1971, Pub.L. 92–178, Title VI, § 601(d)(2), 85 Stat. 558; Sept. 2, 1974, Pub.L. 93–406, Title IV, § 4401(b), formerly § 4081(b), 88 Stat. 1034, as renumbered Sept. 26, 1980, Pub.L. 96–364, Title I, § 108(a), 94 Stat. 1267; Oct. 4, 1976, Pub.L. 94–455, Title XII, § 1203(h)(3), Title XIX, § 1906(a)(33), Title XXI, § 2107(g)(2)(B), 90 Stat. 1694, 1829, 1904; May 23, 1977, Pub.L. 95–30, Title II, § 202(d)(4)(B), 91 Stat. 149; Nov. 6, 1978, Pub.L. 95–600, Title II, § 212(b)(1), Title VII, § 703(p)(3), 92 Stat. 2819, 2944; Nov. 10, 1978, Pub.L. 95–628, § 8(a), (b), 92 Stat. 3630, 3631; Apr. 1, 1980, Pub.L. 96–222, Title I, §§ 102(a)(2)(B), 108(b)(1)(B), 94 Stat. 208, 226; Apr. 2, 1980, Pub.L. 96–223, Title I, § 101(g)(2), 94 Stat. 254; Dec. 24, 1980, Pub.L. 96–598, § 1(c), 94 Stat. 3486; Aug. 13, 1981, Pub.L. 97–34, Title II, § 221(b)(2)(A), Title III, § 331(d)(2)(A), 95 Stat. 247, 295; Sept. 3, 1982, Pub.L. 97–248, Title IV, § 402(e)(7), 96 Stat. 667.)

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Sec. 6612. Cross references.

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(c) Other restrictions on interest

For other restrictions on interest, see section 2011(c) (relating to refunds due to credit for State taxes), 2014(e) (relating to refunds attributable to foreign tax credits), 6412 (relating to floor stock refunds), 6413(d) (relating to taxes under the Federal Unemployment Tax Act), 6416 (relating to certain taxes on sales and services), 6419 (relating to the excise tax on wagering), and 6420 (relating to payments in the case of gasoline used on the farm for farming purposes), and 6421 (relating to payments in the case of gasoline used for certain nonhighway purposes or by local transit systems). (Aug. 16, 1954, ch. 736, 68A Stat. 820; Apr. 2, 1956, ch. 160, sec. 4(f), 70 Stat. 91; June 29, 1956, ch. 462, Title II, sec. 208(e)(7), 70 Stat. 397.)

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Sec. 6675. Excessive claims with respect to the use of certain fuels or lubricating oil.

(a) Civil penalty.—In addition to any criminal penalty provided by law, if a claim is made under section 6420 (relating to gasoline used on farms), 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems), or 6427 (relating to fuels not used for taxable purposes) for an excessive amount, unless it is shown that the claim for such excessive amount is due to reasonable cause, the person making such claim shall be liable to a penalty in an amount equal to whichever of the following is the greater:

(1) Two times the excessive amount; or

(2) $10.

(b) Excessive amount defined.—For purposes of this section, the term "excessive amount" means in the case of any person the amount by which—

(1) the amount claimed under section 6420, 6421, or 6427, as the case may be, for any period, exceeds

(2) the amount allowable under such section for such period.

(c) Assessment and collection of penalty.—

For assessment and collection of penalty provided by subsection (a), see section 6206.

(Added Apr. 2, 1956, c. 160, § 3, 70 Stat. 90, and amended June 29, 1956, c. 462, Title II, § 208(d)(2), 70 Stat. 396; June 21, 1965, Pub. L. 89-44, Title II, § 202(c)(3)(A), 79 Stat. 139; May 21, 1970, Pub. L. 91-258, Title II, § 207(d)(8), 84 Stat. 249; Nov. 9, 1978, Pub. L. 95-618, Title II, § 233(b)(2)(D), 92 Stat. 3191; Jan. 6, 1983, Pub.L. 97-424, Title V, § 515(b)(11)(A)-(C), 96 Stat. 2182.)

PART III. BRIDGE LAWS

Title 33, United States Code, "Navigation and Navigable Waters"

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BRIDGES OVER NAVIGABLE WATERS

GENERAL BRIDGE ACT OF 1906

33 U.S.C., secs. 491–498

Sec. 491. Approval of and deviation from plans.

When, after March 23, 1906, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of Transportation and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of sections 491 to 498 of this title, have been approved by the Chief of Engineers and by the Secretary of Transportation it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of Transportation. This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce. (Mar. 23, 1906, ch. 1130, § 1, 34 Stat. 84; and as amended Oct. 15, 1982, Pub.L. 97–322, Title I, § 107(c), 96 Stat. 1582; Jan. 12, 1983, Pub.L. 97–499, § 2(d)(1), 96 Stat. 2440.)

Sec. 492. Bridge as post route; limitation as to charges against Government; telegraph and telephone lines.

Any bridge built in accordance with the provisions of sections 491–498 of this title, shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies. (Mar. 23, 1906, ch. 1130, § 2, 34 Stat. 85.)

Sec. 493. Use of railroad bridges by other railroad companies.

All railroad companies desiring the use of any railroad bridge built in accordance with the provisions of sections 491–498 of this title, shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of Transportation upon hearing the allegations and proofs submitted to him. (Mar. 23, 1906, ch. 1130, § 3, 34 Stat. 85; and as amended Jan. 12, 1983, Public Law 97–449, § 2(d)(1), 96 Stat. 2440.)

Sec. 494. Obstruction of navigation; alterations and removals; lights and signals; draws; tolls.

No bridge erected or maintained under the provisions of sections 491–498 of this title, shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of said sections, shall, in the opinion of the Secretary of the Army, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of Transportation, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of said sections; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Commandant of the Coast Guard shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water crafts. If tolls shall be charged for the transit over any bridge constructed under the provisions of said sections, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of Transportation may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit. (Mar. 23, 1906, ch. 1130, § 4, 34 Stat. 85; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097 and as amended Jan. 12, 1983, Pub.L. 97–449, § 2(d)(1), 96 Stat. 2440.)

Sec. 495. Violations of orders respecting bridges and accessory works.

(a) Criminal penalties for violation; misdemeanor; fine; new offenses; jurisdiction: suits for recovery of removal expenses, enforcement of removal, and obstruction-to-navigation causes or questions

Any persons who shall willfully fail or refuse to comply with the lawful order of the Secretary of Transportation or the Chief of Engineers, made in accordance with the provisions of sections 491 to 498 of this title, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of Transportation and the Chief of Engineers may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary of Transportation or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of said sections, or the order or direction of the Secretary of Transportation or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the district court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary of Transportation; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under said sections, the cause or question arising may be tried before the district court of the United States in any district which any portion of said obstruction or bridge touches.

(b) Civil penalties for violation; separate offenses; notice and hearing; assessment, collection, and remission; civil actions.

Whoever violates any provision of sections 491 to 498 of this title, or any order issued under said sections, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty. (Mar. 23, 1906, ch. 1130, § 5, 34 Stat. 85; Mar. 3, 1911, ch. 231, §§ 289, 291, 36 Stat. 1167; and as amended Oct. 15, 1982, Pub.L. 97–322, Title I, § 108(c), 96 Stat. 1584; Jan. 12, 1983, Pub.L. 97–449, § 2(d)(1), 96 Stat. 2440.)

Sec. 496. Time for commencement and completion of bridge.

Whenever Congress shall by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act. (Mar. 23, 1906, ch. 1130, § 6, 34 Stat. 86.)

Sec. 497. "Persons" defined.

The word "persons" as used in sections 491–498 of this title, shall be construed to import both the singular and the plural, as the case demands, and shall include municipalities, quasi-municipal corporations, corporations, companies, and associations. (Mar. 23, 1906, ch. 1130, § 7, 34 Stat. 86.)

Sec. 498. Reservation of right to alter or repeal.

The right to alter, amend, or repeal sections 491–498 of this title, is expressly reserved as to any and all bridges which may be built in accordance with the provisions of said sections, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisos. (Mar. 23, 1906, ch. 1130, § 8, 34 Stat. 86.)

Sec. 498a. Application of sections 491–497 to bridges authorized prior to June 10, 1930.

In the case of bridges authorized, prior to June 10, 1930, by Acts of Congress specifically reserving to Congress the right to subsequently regulate tolls on such bridges, such bridges shall, in respect of the regulation of all tolls, be subject to the provisions of sections 491–497 of this title. (June 10, 1930, ch. 441, § 17, 46 Stat. 552.) *

Sec. 498b. Application of sections 491–497 to bridges authorized prior to March 23, 1906.

Any bridge authorized, prior to March 23, 1906, by Act of Congress specifically reserving to Congress the right to alter, amend, or repeal such Act, shall, in respect of the regulation of all tolls, be subject to the provisions of sections 491–497 of this title. (June 27, 1930, ch. 640, § 1, 46 Stat.) *

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* 49 U.S.C., 1655(g)(4) (C), (D), respectively, transferred functions of these sections to the Secretary of Transportation.

ACT OF AUGUST 21, 1935, AS AMENDED, 33 U.S.C., SECS. 503–507

Sec. 503. Tolls; reasonableness; bridges to which provisions not applicable.

Tolls for passage or transit over any bridge over any of the navigable waters of the United States, if such bridge is used for purposes of travel or transportation in interstate or foreign commerce, shall be just and reasonable; but the provisions of this section and sections 504–507 of this title shall not apply to any bridge subject to the provisions of sections 491–498 of this title, nor to any bridge built under the authority of the legislature of the State across rivers or other waterways the navigable portions of which lie wholly within the limits of a single State, nor to any bridge on which the tolls are prescribed by a contract entered into by or with any State or political subdivision thereof, or any municipality. (Aug. 21, 1935, ch. 597, § 1, 49 Stat. 670.)

Sec. 504. Same; determination of reasonableness by Secretary of Transportation; effect of order prescribing toll.

The Secretary of Transportation is authorized, either upon complaint or upon his own initiative, to conduct an inquiry at any time for the purpose of determining whether any toll charged for passage or transit over any bridge to which sections 503–507 of this title apply is in violation of the provisions of section 503 of this title, and if he finds, after full opportunity for hearing, that such toll is in violation of such provisions he is authorized and empowered to determine and by order to prescribe what will be the just and reasonable toll to be thereafter charged, and after such order takes effect it shall be unlawful to collect a toll for such passage or transit in excess of that so prescribed. Any such order shall take effect upon the expiration of thirty days after its issuance. (Aug. 21, 1935, ch. 597, § 2, 49 Stat. 671; and as amended Jan. 12, 1983, Pub.L. 97–449, § 2(d)(1), 96 Stat. 2440.)

Sec. 505. Same; review of order.

Any order issued under section 504 of this title may be reviewed by the court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order was issued. The judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari, in the manner provided in section 347 of Title 28. The review by such courts shall be limited to questions of law, and the findings of fact by the Secretary of Transportation, if supported by substantial evidence, shall be conclusive. Upon such review, such courts shall have power to affirm or, if the order is not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require. (Aug. 21, 1935, ch. 597, § 3, 49 Stat. 671; June

25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; and as amended Jan. 12, 1983, Pub.L. 97-449, § 2(d)(1), 96 Stat. 2440.)

Sec. 506. Same; hearings to determine reasonableness; attendance of witnesses; punishment for failure to attend.

In the execution of his functions under sections 504 and 507 of this title and this section the Secretary of Transportation, or any officer or employee designated by him, is, authorized to hold hearings, examine witnesses, and receive evidence at any place designated by him, and to administer oaths and affirmations, and require by subpena the attendance and testimony of witnesses and the production of books, papers, and documents from any place in the United States. In any case [1] disobedience to any such subpena the Secretary of Transportation may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents. Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to a subpena or lawful requirement under sections 503 to 507 of this title, shall, upon conviction thereof, be punished by a fine of not to exceed $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(Aug. 21, 1935, ch. 597, § 4, 49 Stat. 671; Oct. 15, 1970, Pub. L. 91-452, title II, § 235, 84 Stat. 930; and as amended Oct. 15, 1970, Pub.L. 91-452, Title II, § 235, 84 Stat. 930; Jan. 12, 1983, Pub.L. 97-449, § 2(d)(1), 96 Stat. 2440.)

Sec. 507. Same; failure to obey order prescribing toll; punishment.

In any case where there is in effect a toll prescribed by an order issued under section 504 of this title, for passage or transit over any bridge to which this section and sections 503-506 of this title apply, any person who demands or collects a toll for such passage or transit in excess of that so prescribed shall, upon conviction thereof, be punished by a fine of not to exceed $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Aug. 21, 1935, ch. 597, § 5, 49 Stat. 672).

ALTERATION OF BRIDGES, "TRUMAN-HOBBS ACT"

33 U.S.C., secs. 511-524

Sec. 511. Definitions.

When used in sections 511-523 of this title, unless the context indicates otherwise—

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[1] So in original. Probably should read "In any case of disobedience . . .".

The term "alteration" includes changes of any kind, reconstruction, or removal in whole or in part.

The term "bridge" means a lawful bridge over navigable waters of the United States, including approaches, fenders, and appurtenances thereto, which is used and operated for the purpose of carrying railroad traffic, or both railroad and highway traffic, or if a State, county, municipality, or other political subdivision is the owner or joint owner thereof, which is used and operated for the purpose of carrying highway traffic.

The term "bridge owner" means any State, county, municipality, or other political subdivision, or any corporation, association, partnership, or individual owning, or jointly owning, any bridge, and, when any bridge shall be in the possession or under the control of any trustee, receiver, trustee in a case under Title 11, or lessee, such term shall include both the owner of the legal title and the person or the entity in possession or control of such bridge.

The term "Secretary" means the Secretary of Transportation.

The term "United States", when used in a geographical sense, includes the Territories and possessions of the United States (June 21, 1940, ch. 409, § 1, 54 Stat. 497; July 16, 1952, ch. 889, § 1, 66 Stat. 732; amended Nov. 6, 1978, Pub. L. 95-598, Title III, § 323, 92 Stat. 2679; Jan. 12, 1983, Pub.L. 97-449, § 2(d)(2), 96 Stat. 2440.)

Sec. 512. Obstruction of navigation.

No bridge shall at any time unreasonably obstruct the free navigation of any navigable waters of the United States. (June 21, 1940, ch. 409, § 2, 54 Stat. 498.)

Sec. 513. Notice, hearings, and findings.

Whenever any bridge shall, in the opinion of the Secretary, at any time unreasonably obstruct such navigation, it shall be the duty of the Secretary, after notice to interested parties, to hold a hearing at which the bridge owner, those interested in water navigation thereunder or therethrough, those interested in either railroad or highway traffic thereover, and any other party or parties in interest shall have full opportunity to offer evidence and be heard as to whether any alteration of such bridge is needed, and if so what alterations are needed, having due regard to the necessity of free and unobstructed water navigation and to the necessities of the rail or highway traffic. If, upon such hearing, the Secretary determines that any alterations of such bridge are necessary in order to render navigation through or under it reasonably free, easy, and unobstructed, having due regard also for the necessities of rail or highway traffic thereover, he shall so find and shall issue and cause to be served upon interested parties an order requiring such alterations of such bridge as he finds to be reasonably necessary for the purposes of navigation. (June 21, 1940, ch. 409, § 3, 54 Stat. 498.)

Sec. 514. Submission and approval of general plans and specifications.

After the service of an order under sections 511 to 523 of this title, it shall be the duty of the bridge owner to prepare and submit to the Secretary of Transportation, within a reasonable time as prescribed by the Secretary, general plans and specifications to provide for the alteration of such bridge in accordance with such order, and for such additional alteration of such bridge as the bridge owner may desire to meet the necessities of railroad or highway traffic, or both. The Secretary may approve or reject such general plans and specifications, in whole or in part, and may require the submission of new or additional plans and specifications, but when the Secretary shall have approved general plans and specifications, they shall be final and binding upon all parties unless changes therein be afterward approved by the Secretary and the bridge owner. (June 21, 1940, ch. 409, § 4, 54 Stat. 498; amended Oct. 22, 1976, Pub. L. 94-587, § 119, 90 Stat. 2924.)

Sec. 515. Contracts for project; guaranty of cost.

After approval of such general plans and specifications by the Secretary, and after notification of such approval, the bridge owner shall, in such manner and within such times as the Secretary may prescribe, take bids for the alteration of such bridge in accordance with such general plans and specifications. All bids, including any bid for all or part of the project submitted by the bridge owner, shall be submitted to the Secretary, together with a recommendation by the bridge owner as to the most competent bid or bids, and at the same time the bridge owner shall submit to the Secretary a written guaranty that the total cost of the project, including the cost of such work as is to be performed by the bridge owner and not included in the work to be performed by contract, shall not exceed the sum stated in said guaranty. The Secretary may direct the bridge owner to reject all bids and to take new bids, or may authorize the bridge owner to proceed with the project, by contract, or partly by contract and partly by the bridge owner, or wholly by the bridge owner. Upon such authorization and fixing of the proportionate shares of the cost as provided in section 516 of this title, the bridge owner shall, within a reasonable time to be prescribed by the Secretary, proceed with the work of alteration; and the cost thereof shall be borne by the United States and by the bridge owner, as provided in sections 516 and 517 of this title: *Provided,* That where funds have been appropriated for part only of a project, the bridge owner may take bids for part only of the work. In the event the bridge owner proceeds with the alteration through the taking of successive partial bids, the bridge owner shall, if required by the Secretary, submit a revised guaranty of cost after bids are accepted for successive parts of the work. (June 21, 1940, ch. 409, § 5, 54 Stat. 498; Aug. 14, 1958, Pub. L. 85-640, § 1 (a), (b), 72 Stat. 595.)

Sec. 516. Apportionment of cost.

At the time the Secretary shall authorize the bridge owner to proceed with the project, as provided in section 515 of this title, and after an opportunity to the bridge owner to be heard thereon, the Secretary shall determine and issue an order specifying the proportionate shares of the total cost of the project to be borne by the United States and by the bridge owner. Such apportionment shall be made on the following basis: The bridge owner shall bear such part of the cost as is attributable to the direct and special benefits which will accrue to the bridge owner as a result of the alteration, including the expectable savings in repair or maintenance costs; and that part of the cost attributable to the requirements of traffic by railroad or highway, or both, including any expenditure for increased carrying capacity of the bridge, and including such proportion of the actual capital cost of the old bridge or of such part of the old bridge as may be altered or changed or rebuilt, as the used service life of the whole or a part, as the case may be, bears to the total estimated service life of the whole or such part. *Provided,* That in the event the alteration or relocation of any bridge may be desirable for the reason that the bridge unreasonably obstructs navigation, but also for some other reason, the Secretary may require equitable contribution from any interested person, firm, association, corporation, municipality, county, or State desiring such alteration or relocation for such other reason, as a condition precedent to the making of an order for such alteration or relocation. The United States shall bear the balance of the cost, including that part attributable to the necessities of navigation: *And provided further,* That where the bridge owner proceeds with the alteration on a successive partial bid basis the Secretary is authorized to issue an order of apportionment of cost for the entire alteration based on the accepted bid for the first part of the alteration and an estimate of cost for the remainder of the work. The Secretary is authorized to revise the order of apportionment of cost, to the extent he deems reasonable and proper, to meet any changed conditions. (June 21, 1940, ch. 409, § 6, 54 Stat. 499; July 16, 1952, ch. 889, § 2, 66 Stat. 733; Aug. 14, 1958, Pub. L. 85-640, § 1(c), 72 Stat. 595.)

Sec. 517. Payment of share of United States.

Following service of the order requiring alteration of the bridge, the Secretary of Transportation may make partial payments as the work progresses to the extent that funds have been appropriated. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and, if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceeds the guaranteed cost by reason of emergencies, conditions beyond the control of the owner, or unforeseen or undetermined conditions, the Secretary of Transportation may, after full review of all the circumstances, provide for additional payments by the United States to help defray such excess cost to the extent he deems to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments to any bridge owner herein provided for shall be made by the Secretary of the Treasury through the Fiscal Service upon certifications of the Secretary of Transportation. (June 21, 1940, ch. 409, § 7, 54 Stat. 499; 1940 Reorg. Plan No. III, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; Aug. 14, 1958, Pub. L. 85-640, § 1(d), 72 Stat. 596; amended Dec. 31, 1970, Pub.L. 91-605, Title I, § 118, 84 Stat. 1725; Jan. 12, 1983, Pub.L. 97-449, § 2(d)(1), 96 Stat. 2440.)

Sec. 518. Appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 511-523 of this title. (June 21, 1940, ch. 409, § 8, 54 Stat. 500.)

Sec. 519. Noncompliance with orders; penalties; removal of bridge.

Any bridge owner who shall willfully fail or refuse to comply with any lawful order of the Secretary, made in accordance with the provisions of sections 511-523 of this title, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such bridge owner shall remain in default shall be deemed a new offense and subject such bridge owner to additional penalties therefor. In addition to the penalties above prescribed the Secretary may, upon the failure or refusal of any bridge owner to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of any such bridge and accessory works at the expense of the bridge owner; and suit for such expense may be brought in the name of the United States against such bridge owner and recovery had for such expense in any court of competent jurisdiction. The removal of any bridge erected or maintained in violation of the provisions of said sections or the order or direction of the Secretary made in pursuance thereof, and compliance with any order of the Secretary made with respect to any bridge in accordance with the provisions of such sections, may be enforced by injunction, mandamus, or other summary process upon application to the district court of any district which such bridge may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary. (June 21, 1940, ch. 409, § 9, 54 Stat. 500.)

Sec. 520. Review of findings and orders.

Any order made or issued under section 516 of this title may be reviewed by the court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order is issued. The judgment of any such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certification or certiorari, in the manner provided in sections 346 and 347 of Title 28. The review by such Court shall be limited to questions of law, and the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. Upon such review, such Court shall have power to affirm or, if the order is not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require. Proceedings under this section shall not operate as a stay of any order of the Secretary issued under provisions of sections 511–523 of this title other than section 516 of this title, or relieve any bridge owner of any liability or penalty under such provisions. (June 21, 1940, ch. 409, § 10, 54 Stat. 501; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

Sec. 521. Regulations and orders.

The Secretary is authorized to prescribe such rules and regulations, and to make and issue such orders, as may be necessary or appropriate for carrying out the provisions of section 511–523 of this title. (June 21, 1940, ch. 409, § 11, 54 Stat. 501.)

Sec. 522. Existing provisions of law.

(a) The first sentence of section 494 of this title, and section 502 of this title, shall be inapplicable with respect to any bridge to which the provisions of sections 511–523 of this title are applicable, except to the extent provided in this section.

(b) Any bridge, the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not completed on such date, and in the case of which no penalties have accrued at the time of the enactment of such sections, shall be constructed, reconstructed, or altered as required by such order, and not in accordance with the provisions of such sections. In the case of any such bridge, however, the Secretary shall apportion the cost of the project between the bridge owner and the United States, and payment of the share of the United States shall be made, in the same manner as if the provisions of sections 511–523 of this title applied to such construction, reconstruction, or alteration, subject to the following limitations:

(1) In case such construction, reconstruction, or alteration has not begun on or before April 1, 1940, such apportionment of cost shall be made only if (A) the construction, reconstruction, or alteration is carried out in accordance with plans and specifications, and pursuant to bids, approved by the Secretary, and (B) the bridge owner has submit-

ted to the Secretary a written guaranty of cost as provided for in section 515 of this title.

(2) The Secretary's determination as to such apportionment, and as to such plans and specifications and bids, shall be final.

(3) Such apportionment shall not be made if such construction, reconstruction, or alteration is not completed within the time fixed in such order of the Secretary or within such additional time as the Secretary, for good cause shown, may allow.

(c) Any bridge (except a bridge to which subsection (b) of this section applies) the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not begun before such date, shall be subject to the provisions of sections 511–523 of this title as though such order had not been issued, and compliance with the provisions of such sections and with such orders as may be issued thereunder shall be considered to constitute compliance with such order issued prior to July 1, 1939, and with the provisions of law under which it was issued. (June 21, 1940, ch. 409, § 12, 54 Stat. 501.)

Sec. 523. Relocation of bridges.

If the owner of any bridge and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location would be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expenses of changes in and additions to rights-of-way, stations, tracks, spurs, siding, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 516 of this title in the case of an alteration and the share of the United States paid from the appropriation authorized in section 518 of this title: *Provided,* That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary of Transportation shall not find to be, in fact, a relocation of an existing bridge. (June 21, 1940, ch. 409, § 13, 54 Stat. 502; July 16, 1952, ch. 889, § 4, 66 Stat. 733; amended Jan. 12, 1983, Pub.L. 97–449, § 2(d)(1), 96 Stat. 2440.)

Sec. 524. Applicability of Administrative Procedure Act.

In the administration of this Act, hearings and other procedures shall be exempted from the provisions of the Administrative Procedure Act, except as to the requirements of section 1002 of Title 5. (July 16, 1952, ch. 889, § 3, 66 Stat. 733.) *

GENERAL BRIDGE AUTHORITY

GENERAL BRIDGE ACT OF 1946

33 U.S.C., secs. 525–533

Sec. 525. Construction and operation of bridges; consent of Congress; approval of plans; private highway toll bridges.

(a) The consent of Congress is granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of sections 525–533 of this title.

(b) The location and plans for such bridges shall be approved by the Chief of Engineers and the Secretary of Transportation before construction is commenced, and, in approving the location and plans of any bridge, they may impose any specific conditions relating to the maintenance and operation of the structure which they may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law. This subsection shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Secretary of Transportation and, if approved by the Secretary of Transportation, approval by the highway departments shall not be required.

(Aug. 2, 1946, ch. 753, title V, § 502, 60 Stat. 847; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1949 Reorg. Plan No. 7, § 1, eff. Aug. 19, 1949, 14 F.R. 5288, 63 Stat. 1070; Oct. 15, 1982, Pub.L. 97–322, Title I, § 107(a), 96 Stat. 1582; Jan. 12, 1983, Pub.L. 97–449, § 2(d)(1), (3), 96 Stat. 2440.)

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* Section 1002 of title 5 has been revised and codified as section 552 of title 5, U.S.C.

Sec. 526. Amount of tolls.

If tolls shall be charged for the transit over any interstate bridge of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers or other passengers, such toll shall be reasonable and just, and the Secretary of Transportation may at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit. (Aug. 2, 1946, ch. 753, title V, § 503, 60 Stat. 847; Jan. 12, 1983, Public Law 97-449, § 2 (d)(1), 96 Stat. 2440.)

Sec. 526a. Same; regulations; increment guidelines.

The Secretary of Transportation shall promulgate regulations establishing guidelines governing any increase in tolls for use of any bridge constructed pursuant to either the General Bridge Act of 1906 or the General Bridge Act of 1946.
(Pub. L. 93-87, Title I, § 133(b), Aug. 13, 1973, 87 Stat. 267.)

Sec. 527. Acquisition of interstate bridges by public agencies; amount of damages.

After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of Transportation either of the States in which the bridge is located, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction of actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements. (Aug. 2, 1946, ch. 753, title V, § 504, 60 Stat. 848; and amended Jan. 12, 1983, Pub.L. 97-449, § 2(d)(1), 96 Stat. 2440.)

Sec. 528. Statement of construction costs of privately owned interstate bridges; investigation of costs; conclusiveness of findings; review.

Within ninety days after the completion of a privately owned interstate toll bridge, the owner shall file with the Secretary of Transportation and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of Transportation may, and upon request of a highway department shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of Transportation as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 527 of this title subject only to review in a court of equity for fraud or gross mistake. (Aug. 2, 1946, ch. 753, title V, § 505, 60 Stat. 848; and amended Jan. 12, 1983, Pub.L. 97-449, § 2(d)(1), 96 Stat. 2440.)

Sec. 529. Sinking funds; rates of tolls: cancellation of tolls.

If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of sections 525-533 of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. (Aug. 2, 1946, ch. 753, title V, § 506, 60 Stat. 848; May 25, 1948, ch. 336, 62 Stat. 267.)

Sec. 530. Bridges included and excluded.

The provisions of sections 525-533 of this title shall apply only to bridges over navigable waters of the United States, the construction of which is approved after August 2, 1946, under the provisions of said sections; and the provisions of the first proviso of section 401 of this title, and the provisions of sections 491-498 of this title, shall not apply to such bridges. (Aug. 2, 1946, ch. 753, title V, § 507, 60 Stat. 849.)

Sec. 531. International bridges.

Sections 525–533 of this title shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country. (Aug. 2, 1946, ch. 753, title V, § 508, 60 Stat. 849.)

Sec. 532. Eminent domain.

There are conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of sections 525–533 of this title to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State. (Aug. 8, 1946, ch. 753, title V, § 509, 60 Stat. 849.)

Sec. 533. Penalties for violations.

(a) Criminal penalties for violation.

Any person who willfully fails or refuses to comply with any lawful order of the Secretary of Transportation or the Chief Engineers issued under the provisions of sections 525 to 533 of this title, or who willfully fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of Transportation relating to the maintenance and operation of bridges, or who willfully refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under said sections, or who otherwise willfully violates any provisions of said sections, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Civil penalties for violation; separate offenses; notice and hearing; assessment, collection, and remission; civil actions.

Whoever violates any provision of this subchapter, or any order issued under this subchapter, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may access and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurrs for such penalty.

(Aug. 2, 1946, ch. 753, title V, § 510, 60 Stat. 849; and amended Oct. 15, 1982, Pub.L. 97-322, Title I, § 108(d), 96 Stat. 1584; Jan. 12, 1983, Pub.L. 97-449, § 2(d)(1), 96 Stat. 2440.)

INTERNATIONAL BRIDGES

INTERNATIONAL BRIDGE ACT OF 1972

33 U.S.C. secs. 535, 535a–535i

Sec. 535. Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent.

The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an "international bridge") and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of sections 491–498 of this title, except section 496 of this title, whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this Act. (Pub. L. 92–434, § 2, Sept. 26, 1972, 86 Stat. 731.)

Sec. 535a. Congressional consent to State agreements with Canada and Mexico; Secretary of State's approval of agreements.

The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

(1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or

(2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this Act. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State. (Pub. L. 92–434, § 3, Sept. 26, 1972, 86 Stat. 731.)

Sec. 535b. Presidential approval; recommendations of Federal officials.

No bridge may be constructed, maintained, and operated as provided in section 535 of this title unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, and (2) the heads of such departments and agencies of the Federal Government as he deems appropriate to determine the necessity for such bridge. (Pub. L. 92–434, § 4, Sept. 26, 1972, 86 Stat. 731.)

Sec. 535c. Secretary of Transportation's approval; commencement and completion requirements; extension of time limits.

The approval of the Secretary of Transportation, as required by section 491 of this title, shall be given only subsequent to the President's approval, as provided for in section 535b of this title, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided. (Pub. L. 92–434, § 5, Sept. 26, 1972, 86 Stat. 732.)

Sec. 535d. Tolls, collection methods; annual report; audit.

If tolls are charged for the use of an international bridge constructed under this Act, the following provisions shall apply, so far as the United States has jurisdiction, in the case of a bridge constructed or acquired by a private individual, company, or other private entity:

(1) Tolls may be collected from the date of completion of the bridge for a period determined by the Secretary of Transportation to be a reasonable period for amortization of the cost of construction or acquisition of the bridge, including interest and financing costs, and a reasonable return on invested capital.

(2) At the end of such period, the United States portion of the bridge and its approaches, if not previously transferred to a public agency pursuant to section 535e of this title, shall become the property of the State having jurisdiction over the United States portion of the bridge, and no further compensation shall be deemed to be due such private individual, company, or other private entity.

(3) An accurate record of the amount paid for acquiring or constructing the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be reported annually to the Secretary of Transportation. Whenever he may deem advisable, the Secretary of Transportation shall audit, review, and inspect such records, books, accounts, and operations. (Pub. L. 92–434, § 6, Sept. 26, 1972, 86 Stat. 732.)

Sec. 535e. Ownership.

(a) Sale, assignment, or transfer; Secretary of Transportation's approval.

Nothing in this Act shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this Act, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this Act: *Provided,* That such sale, assignment, or transfer shall be subject to approval by the Secretary of Transportation.

(b) State status of original applicant upon acquisition of right, title, and interest after termination of private entity licenses, contracts, or orders.

Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of Transportation, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instrumentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 535d of this title shall not apply.

(Pub.L. 92–434, § 8, Sept. 26, 1972, 86 Stat. 732.)

Sec. 535f. Applicability of provisions.

This Act shall apply to all international bridges constructed under the authority of this Act. Section 535a of this title and section 129(a)(3) of Title 23, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State. (Pub. L. 92–434, § 9, Sept. 26, 1972, 86 Stat. 733.)

Sec. 535g. Federal navigable waters and commerce jurisdiction unaffected.

Nothing in this Act shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable waters or any interstate or foreign commerce. (Pub. L. 92–434, § 10, Sept. 26, 1972, 86 Stat. 733.)

Sec. 535h. Report of Secretary of Transportation's approvals during fiscal year.

The Secretary of Transportation shall make a report of all approvals granted by him during the fiscal year pursuant to section 535c of this title in each annual report of the activities of the Department required by section 1658 of Title 49. (Pub. L. 92–434, § 11, Sept. 26, 1972, 86 Stat. 733.)

Sec. 535i. Reservation of right to alter or repeal.

The right to alter, amend, or repeal this Act is expressly reserved. (Pub. L. 92–434, § 12, Sept. 26, 1972, 86 Stat. 733.)

PART IV. OTHER RELATED MATERIAL

ADMINISTRATIVE PROCEDURE ACT—INCLUDING PUBLIC INFORMATION (SEC. 552) AND CRIMES AND CRIMINAL PROCEDURE

Title 5, United States Code, "Government organization and employees"

Chapter 5.—ADMINISTRATIVE PROCEDURE

Subchapter II.—ADMINISTRATIVE PROCEDURE

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Subchapter II.—ADMINISTRATIVE PROCEDURE

Sec. 551. Definitions.

For the purpose of this subchapter—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

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* Does not conform to section catchline.

(D) the government of the District of Columbia;

or except as to the requirements of section 552 of this title—

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; or sections 1622, 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix;

(2) "person" includes an individual, partnership, corporation, association, or public or private organization other than an agency;

(3) "party" includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes;

(4) "rule" means the whole or a party of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate of financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(5) "rule making" means agency process for formulating, amending, or repealing a rule;

(6) "order" means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

(7) "adjudication" means agency process for the formulation of an order;

(8) "license" includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

(9) "licensing" includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;

(10) "Sanction" includes the whole or a part of an agency—

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license; or

(G) taking other compulsory or restrictive action;

(11) "relief" includes the whole or a part of an agency—

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of this section;

(13) "agency action" includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act; and

(14) "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 381; Pub. L. 94-409, Sec. 4(b), Sept. 13, 1976, 90 Stat. 1247.)

Sec. 552. Public information; agency rules, opinions, orders, records, and proceedings.

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter do [sic] * novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted,

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* So as in original—should be de.

shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, unusual circumstances means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are—

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonable segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of such person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term "agency" as defined in section 551(l) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 383; and amended by Pub. L. 90-23, Sec. 1, June 5, 1967, 81 Stat. 54; Pub. L. 93-502, Secs. 1-3, Nov. 21, 1974, 88 Stat. 1561-1564; Pub. L. 94-409, Sec. 5(b), Sept. 13, 1976, 90 Stat. 1247; and Pub. L. 95-454, Title IX, Sec. 906(a)(10), Oct. 13, 1976, 92 Stat. 1225.)

Sec. 552a. Records maintained on individuals.

a. DEFINITIONS.—For purposes of this section—

(1) the term "agency" means agency as defined in section 552(e) of this title;

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use, or disseminate;

(4) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(5) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(6) the term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13; and

(7) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) CONDITIONS OF DISCLOSURE.—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title;

(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) to a recipient who had provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(11) pursuant to the order of a court of competent jurisdiction; or

(12) to a consumer reporting agency in accordance with section 3711(f) of title 31.

(c) ACCOUNTING OF CERTAIN DISCLOSURES.—Each agency, with respect to each system of records under its control, shall—

(1) except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of—

(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

(B) the name and address of the person or agency to whom the disclosure is made;

(2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request; and

(4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

(d) ACCESS TO RECORDS.—Each agency that maintains a system of records shall—

(1) upon request by an individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

(2) permit the individual to request amendment of a record pertaining to him and—

(A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(B) promptly, either—

(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

(3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination

unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g)(1)(A) of this section;

(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provides copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(e) AGENCY REQUIREMENTS.—Each agency that maintains a system of records shall—

(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—

(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(B) the principal purpose or purposes for which the information is intended to be used;

(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

(D) the effects on him, if any, of not providing all or any part of the requested information;

(4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register upon establishment or revision a

notice of the existence and character of the system of records, which notice shall include—

(A) the name and location of the system;

(B) the categories of individuals on whom records are maintained in the system;

(C) the categories of records maintained in the system;

(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(F) the title and business address of the agency official who is responsible for the system of records;

(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(I) the categories of sources of records in the system;

(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency.

(f) AGENCY RULES.—In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—

(1) establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Office of the Federal Register shall annually compile and publish the rule promulgated under this subsection and agency notices published under subsection (e)(4) of this section in a form available to the public at low cost.

(g)(1) CIVIL REMEDIES.—Whenever any agency

(A) makes a determination under subsection (d)(3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

(B) refuses to comply with an individual request under subsection (d)(1) of this section;

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provisions of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(3)(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter de novo, and may examine the contents of any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(4) In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—

(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

(B) the costs of the action together with reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in

which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to September 27, 1975.

(h) RIGHTS OF LEGAL GUARDIANS.—For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(i)(1) CRIMINAL PENALTIES.—Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than $5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

(j) GENERAL EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e), of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e)(4) (A) through (F), (e), (6), (7), (9), (10), and (11), and (i) if the system of records is—

(1) maintained by the Central Intelligence Agency; or

(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and

alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(k) SPECIFIC EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I) and (f) of this section if the system of records is—

(1) subject to the provisions of section 552(b)(1) of this title;

(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: Provided, however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

(4) required by statute to be maintained and used solely as statistical records;

(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(l)(1) ARCHIVAL RECORDS.—Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

(2) Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of this section) shall be published in the Federal Register.

(3) Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e)(4) (A) through (G) and (e)(9) of this section.

(m)(1) GOVERNMENT CONTRACTORS.—When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (i) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

(2) A consumer reporting agency to which a record is disclosed under section 3711(f) of title 31 shall not be considered a contractor for the purposes of this section.

(n) MAILING LISTS.—An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(o) REPORT ON NEW SYSTEMS.—Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(p) ANNUAL REPORT.—The President shall annually submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report—

(1) describing the actions of the Director of the Office of Management and Budget pursuant to section 6 of the Privacy Act of 1974 during the preceding year;

(2) describing the exercise of individual rights of access and amendment under this section during such year;

(3) identifying changes in or additions to systems of records;

(4) containing such other information concerning administration of this section as may be necessary or useful to the Congress in reviewing the effectiveness of this section in carrying out the purposes of the Privacy Act of 1974.

(q) EFFECT OF OTHER LAWS.—No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section.

(Added Pub. L. 93–579, sec. 3, Dec. 31, 1974, 88 Stat. 1897; and amended by Pub. L. 94–183, sec. 2(2), Dec. 31, 1975, 89 Stat. 1057; Pub.L. 97–365, § 2, Oct. 25, 1982, 96 Stat. 1749; Pub.L. 97–375, Title II, § 201(a), (b), Dec. 21, 1982, 96 Stat. 1821; and Pub.L. 97–452, § 2(a)(1), Jan. 12, 1983, 96 Stat. 2478.)

Sec. 552b. Open meetings.

(a) For purposes of this section—

(1) the term "agency" means any agency, as defined in section 552(e) of this title, headed by a collegial body composed of two or

more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

(2) the term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted by subsection (d) or (e); and

(3) the term "member" means an individual who belongs to a collegial body heading an agency.

(b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to—

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relate solely to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement pro-

ceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would—

(A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in currencies, securities, or commodities or (ii) significantly endanger the stability of any financial institution; or

(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action,

except that subparagraph (B) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) specifically concern the agency's issuance of a subpena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

(d)(1) Action under subsection (c) shall be taken only when a majority of the entire membership of the agency (as defined in subsection (a)(1)) votes to take such action. A separate vote of the agency members shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to subsection (c), or with respect to any information which is proposed to be withheld under subsection (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each agency member participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the agency close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of subsection (c), the agency, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(3) Within one day of any vote taken pursuant to paragraph (1) or (2), the agency shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the agency shall, within one day of the vote taken pursuant to paragraph (1) or (2) of this subsection, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(4) Any agency, a majority of whose meetings may properly be closed to the public pursuant to paragraph (4), (8), (9)(A), or (10) of subsection (c), or any combination thereof, may provide by regulation for the closing of such meetings or portions thereof in the event that a majority of the members of the agency votes by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each member on the question, is made available to the public. The provisions of paragraphs (1), (2), and (3) of this subsection and subsection (e) shall not apply to any portion of a meeting to which such regulations apply: *Provided,* That the agency shall, except to the extent that such information is exempt from disclosure under the provisions of subsection (c), provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

(e)(1) In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the agency determines by a recorded vote that agency business requires that such meeting be called at an earlier date, in which case the agency shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(2) The time or place of a meeting may be changed following the public announcement required by paragraph (1) only if the agency publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of a meeting, to the public, may be

changed following the public announcement required by this subsection only if (A) a majority of the entire membership of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible, and (B) the agency publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(3) Immediately following each public announcement required by this subsection, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting, shall also be submitted for publication in the Federal Register.

(f)(1) For every meeting closed pursuant to paragraphs (1) through (10) of subsection (c), the General Counsel or chief legal officer of the agency shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the agency. The agency shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (8), (9)(A), or (10) of subsection (c), the agency shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The agency shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (1)) of the discussion of any item on the agenda, or of an item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the agency determines to contain information which may be withheld under subsection (c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any agency proceeding with respect to which the meeting or portion was held, whichever occurs later.

(g) Each agency subject to the requirements of this section shall, within 180 days after the date of enactment of this section, following consultation with the Office of the Chairman of the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment by any person, promulgate regulations to implement the requirements of subsections (b) through (f) of this section. Any person may bring a proceeding in the United States District Court for the District of Columbia to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein. Subject to any limitations of time provided by law, any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of subsections (b) through (f) of this section and to require the promulgation of regulations that are in accord with such subsections.

(h)(1) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (b) through (f) of this section by declaratory judgment, injunctive relief, or other relief as may be appropriate. Such actions may be brought by any person against an agency prior to, or within sixty days after, the meeting out of which the violation of this section arises, except that if public announcement of such meeting is not initially provided by the agency in accordance with the requirements of this section, such action may be instituted pursuant to this section at any time prior to sixty days after any public announcement of such meeting. Such actions may be brought in the district court of the United States for the district in which the agency meeting is held or in which the agency in question has its headquarters, or in the District Court for the District of Columbia. In such actions a defendant shall serve his answer within thirty days after the service of the complaint. The burden is on the defendant to sustain his action. In deciding such cases the court may examine in camera any portion of the transcript, electronic recording, or minutes of a meeting closed to the public, and may take such additional evidence as it deems necessary. The court, having due regard for orderly administration and the public interest, as well as the interests of the parties, may grant such equitable relief as it deems appropriate, including granting an injunction against future violations of this section or ordering the agency to make available to the public such portion of the transcript, recording, or minutes of a meeting as is not authorized to be withheld under subsection (c) of this section.

(2) Any Federal court otherwise authorized by law to review agency action may, at the application of any person properly participating in the proceeding pursuant to other applicable law, inquire into violations by the agency of the requirements of this section and afford such relief

as it deems appropriate. Nothing in this section authorizes any Federal court having jurisdiction solely on the basis of paragraph (1) to set aside, enjoin, or invalidate any agency action (other than an action to close a meeting or to withhold information under this section) taken or discussed at any agency meeting out of which the violation of this section arose.

(i) The court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with the provisions of subsection (g) or (h) of this section, except that costs may be assessed against the plaintiff only where the court finds that the suit was initiated by the plaintiff primarily for frivolous or dilatory purposes. In the case of assessment of costs against an agency, the costs may be assessed by the court against the United States.

(j) Each agency subject to the requirements of this section shall annually report to Congress regarding its compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section, including any costs assessed against the agency in such litigation (whether or not paid by the agency).

(k) Nothing herein expands or limits the present rights of any person under section 552 of this title, except that the exemptions set forth in subsection (c) of this section shall govern in the case of any request made pursuant to section 552 to copy or inspect the transcripts, recordings, or minutes described in subsection (f) of this section. The requirements of chapter 33 of title 44, United States Code, shall not apply to the transcripts, recordings, and minutes described in subsection (f) of this section.

(l) This section does not constitute authority to withhold any information from Congress, and does not authorize the closing of any agency meeting or portion thereof required by any other provision of law to be open.

(m) Nothing in this section authorizes any agency to withhold from any individual any record, including transcripts, recordings, or minutes required by this section, which is otherwise accessible to such individual under section 552a of this title.

(Added by Pub. L. 94–409, sec. 3(a), Sept. 13, 1976, 90 Stat. 1241.)

Sec. 553. Rule making.

(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

(1) a military or foreign affairs function of the United States; or

(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(b) General notice of proposed rule making shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include—

(1) a statement of the time, place, and nature of public rule making proceedings;

(2) reference to the legal authority under which the rule is proposed; and

(3) either the terms of substance of the proposed rule or a description of the subjects and issues involved.

Except when notice or hearing is required by statute, this subsection does not apply—

(A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretative rules and statements of policy; or

(3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule. (Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 383.)

Sec. 554. Adjudications.

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

(1) a matter subject to a subsequent trial of the law and the facts de novo in a court;

(2) the selection or tenure of an employee, except an administrative law judge appointed under section 3105 of this title;

(3) proceedings in which decisions rest solely on inspections, tests, or elections;

(4) the conduct of military or foreign affairs functions;

(5) cases in which an agency is acting as an agent for a court; or

(6) the certification of worker representatives.

(b) Persons entitled to notice of an agency hearing shall be timely informed of—

(1) the time, place, and nature of the hearing;

(2) the legal authority and jurisdiction under which the hearing is to be held; and

(3) the matters of fact and law asserted.

When private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the time and place for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives.

(c) The agency shall give all interested parties opportunity for—

(1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment when time, the nature of the proceeding, and the public interest permit; and

(2) to the extent that the parties are unable so to determine a controversy by consent, hearing and decision on notice and in accordance with sections 556 and 557 of this title.

(d) The employee who presides at the reception of evidence pursuant to section 556 of this title shall make the recommended decision or initial decision required by section 557 of this title, unless he becomes unavailable to the agency. Except to the extent required for the disposition of ex parte matters as authorized by law, such an employee may not—

(1) consult a person or party on a fact in issue, unless on notice and opportunity for all parties to participate; or

(2) be responsible to or subject to the supervision or direction of an employee or agent engaged in the performance of investigative or prosecuting functions for an agency.

An employee or agent engaged in the performance of investigative or prosecuting functions for an agency in a case may not, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 557 of this title, except as witness or counsel in public proceedings. This subsection does not apply—

(A) in determining applications for initial licenses;

(B) to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; or

(C) to the agency or a member or members of the body comprising the agency.

(e) The agency, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 384; and Pub. L. 95-251, sec. 2(a)(1), Mar. 27, 1978, 92 Stat. 183.)

Sec. 555. Ancillary matters.

(a) This section applies, according to the provisions thereof, except as otherwise provided by this subchapter.

(b) A person compelled to appear in person before an agency or representative thereof is entitled to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. A party is entitled to appear in person or by or with counsel or other duly qualified representative in an agency proceeding. So far as the orderly conduct of public business permits, an interested person may appear before an agency or its responsible employees for the presentation, adjustment, or determination of an issue, request, or controversy in a proceeding, whether interlocutory, summary, or otherwise, or in connection with an agency function. With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it. This subsection does not grant or deny a person who is not a lawyer the right to appear for or represent others before an agency or in an agency proceeding.

(c) Process, requirement of a report, inspection, or other investigative act or demand may not be issued, made, or enforced except as authorized by law. A person compelled to submit data or evidence is entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(d) Agency subpenas authorized by law shall be issued to a party on request and, when required by rules of procedure, on a statement or showing of general relevance and reasonable scope of the evidence sought. On contest, the court shall sustain the subpena or similar process or demand to the extent that it is found to be in accordance with law. In a proceeding for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

(e) Prompt notice shall be given of the denial in whole or in part of a written application, petition or other request of an interested person made in connection with any agency proceedings. Except in affirming a prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the grounds for denial. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 385.)

Sec. 556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.

(a) This section applies, according the provisions thereof, to hearings required by section 553 or 554 of this title to be conducted in accordance with this section.

(b) There shall preside at the taking of evidence—

(1) the agency;

(2) one or more members of the body which comprises the agency; or

(3) one or more administrative law judges appointed under section 3105 of this title.

This subchapter does not supersede the conduct of specified classes of proceedings, in whole or in part, by or before boards or other employees specially provided for by or designated under statute. The functions of presiding employees and of employees participating in decisions in accordance with section 557 of this title shall be conducted in an impartial manner. A presiding or participating employee may at any time disqualify himself. On the filing in good faith of a timely and sufficient affidavit of personal bias or other disqualification of a presiding or participating employee, the agency shall determine the matter as a part of the record and decision in the case.

(c) Subject to published rules of the agency and within its powers, employees presiding at hearings may—

(1) administer oaths and affirmations;

(2) issue subpenas authorized by law;

(3) rule on offers of proof and receive relevant evidence;

(4) take depositions or have depositions taken when the ends of justice would be served;

(5) regulate the course of the hearing;

(6) hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) dispose of procedural requests or similar matters;

(8) make or recommend decisions in accordance with section 557 of this title; and

(9) take other action authorized by agency rule consistent with this subchapter.

(d) Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof. Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur. A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

(e) The transcripts of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 of this title and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 386; amended by Pub. L. 409, sec. 4(c), Sept. 13, 1976, 90 Stat. 1247; and Pub. L. 95-251, sec. 2(a)(1), Mar. 27, 1978, 92 Stat. 183.)

Sec. 557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record.

(a) This section applies, according to the provisions thereof, when a hearing is required to be conducted in accordance with section 556 of this title.

(b) When the agency did not preside at the reception of the evidence, the presiding employee or, in cases not subject to section 554(d) of this title, an employee qualified to preside at hearings pursuant to section 556 of this title, shall initially decide the case unless the agency requires, either in specific cases or by general rule, the entire record to be certified to it for decision. When the presiding employee makes an initial decision, that decision then becomes the decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within time provided by rule. On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule. When the agency makes the decision without having presided at the reception of the evidence, the presiding employee or an employee qualified to preside at hearings pursuant to section 556 of this title shall first recommend a decision, except that in rule making or determining applications for initial licenses—

(1) instead thereof the agency may issue a tentative decision or one of its responsible employees may recommend a decision; or

(2) this procedure may be omitted in a case in which the agency finds on the record that due and timely execution of its functions imperatively and unavoidably so requires.

(c) Before a recommended, initial, or tentative decision, or a decision on agency review of the decision of subordinate employees, the parties are entitled to a reasonable opportunity to submit for the consideration of the employees participating in the decisions—

(1) proposed findings and conclusions; or

(2) exceptions to the decisions or recommended decisions of subordinate employees or to tentative agency decisions; and

(3) supporting reasons for the exceptions or proposed findings or conclusions.

The record shall show the ruling on each finding, conclusion, or exception presented. All decisions, including initial, recommended, and tentative decisions, are a part of the record and shall include a statement of—

(A) findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record; and

(B) the appropriate rule, order, sanction, relief, or denial thereof.

(d)(1) In any agency proceeding which is subject to subsection (a) of this section, except to the extent required for the disposition of ex parte matters as authorized by law--

(A) no interested person outside the agency shall make or knowingly cause to be made to any member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

(B) no member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall make or knowingly cause to be made to any interested person outside the agency an ex parte communication relevant to the merits of the proceeding;

(C) a member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made, a communication prohibited by this subsection shall place on the public record of the proceeding:

(i) all such written communications;

(ii) memoranda stating the substance of all such oral communications; and

(iii) all written responses, and memoranda stating the substance of all oral responses, to the materials described in clauses (i) and (ii) of this subparagraph;

(D) upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this subsection, the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation; and

(E) the prohibition of this subsection shall apply beginning at such time as the agency may designate, but in no case shall they begin to apply later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

(2) This subsection does not constitute authority to withhold information from Congress.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 387; Pub. L. 94–409, sec. 4(a), Sept. 13, 1976, 90 Stat. 1246.)

Sec. 558. Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses.

(a) This section applies, according to the provisions thereof, to the exercise of a power or authority.

(b) A sanction may not be imposed or a substantive rule or order issued except within jurisdiction delegated to the agency and as authorized by law.

(c) When application is made for a license required by law, the agency, with due regard for the rights and privileges of all the interested parties or adversely affected persons and within a reasonable time, shall set and complete proceedings required to be conducted in accordance with sections 556 and 557 of this title or other proceedings required by law and shall make its decision. Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, the withdrawal, suspension, revocation, or annulment of a license is lawful only if, before the institution of agency proceedings therefor, the licensee has been given—

(1) notice by the agency in writing of the facts or conduct which may warrant the action; and

(2) opportunity to demonstrate or achieve compliance with all lawful requirements.

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency. (Pub. L. 89-554, Sept. 6, 1966, 88 Stat. 388.)

Sec. 559. Effect on other laws; effect of subsequent statute.

This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2)(E), 5372, and 7521 of this title, and the provisions of section 5335(a)(B) of this title that relate to administrative law judges, do not limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, requirements or privileges relating to evidence or procedure apply equally to agencies and persons. Each agency is granted the authority necessary to comply with the requirements of this subchapter through the issuance of rules or otherwise. Subsequent statute may not be held to supersede or modify this subchapter, chapter 7, sections 1305, 3105, 3344, 4301(2)(E), 5372, or 7521 of this title, or the provisions of section 5335(a)(B) of this title that relate to administrative law judges, except to the extent that it does so expressly.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 388; and amended by Pub. L. 90-623, Oct. 22, 1968, 82 Stat. 1312; Pub. L. 95-251, sec. 2(a)(1), Mar. 27, 1978, 92 Stat. 183; Pub. L. 95-454, Title VIII, sec. 801(a)(3)(B)(iii), Oct. 13, 1978, 92 Stat. 1221.)

* * * * * * *

Sec. 701. Application; definitions.

(a) This chapter applies, according to the provisions thereof, except to the extent that—

(1) statutes preclude judicial review; or

(2) agency action is committed to agency discretion by law.

(b) For the purpose of this chapter—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; or sections 1622, 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix; and

(2) "person", "rule", "order", "license", "sanction", "relief", and "agency action" have the meanings given them by section 551 of this title. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 392.)

Sec. 702. Right of review.

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: *Provided,* That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 392; Pub. L. 94-574, sec. 1, Oct. 21, 1976, 90 Stat. 2721.)

Sec. 703. Form and venue of proceeding.

The form of proceeding for judicial review is the special statutory review proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction. If no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer. Except to the extent that prior, adequate, and exclusive opportunity for judicial review is provided by law, agency action is subject to judicial review in civil or criminal proceedings for judicial enforcement. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 392; Pub. L. 94-574, sec. 1, Oct. 21, 1976, 90 Stat. 2721.)

Sec. 704. Actions reviewable.

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsiderations, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 392.)

Sec. 705. Relief pending review.

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 393.)

Sec. 706. Scope of review.

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

(1) compel agency action unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 393.)

Title 18, United States Code, "Crimes and criminal procedure"

Sec.

2. Principals.

BRIBERY, GRAFT, AND CONFLICTS OF INTEREST (18 U.S.C., 201–203, 205–211, and 218)

201. Bribery of public officials and witnesses.
202. Definitions.
203. Compensation of Members of Congress, officers and others in matters affecting Government.
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206. Exemption of retired officers of the uniformed services.
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208. Acts affecting a personal financial interest.
209. Salary of Government officials and employees payable only by United States.
210. Offer to procure appointive public office.
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595. Interference by administrative employees of Federal, State, or Territorial Governments.
598. Coercion by means of relief appropriations.

ELECTIONS AND POLITICAL ACTIVITIES (18 U.S.C., 601–603, 607)

Sec.

601. Deprivation of employment or other benefit for political activity.
602. Solicitation of political contributions.
603. Making political contributions.
607. Place of solicitation.

ANTI-FRAUD STATUTES (18 U.S.C., 1001 AND 1020)

1001. Statements or entries generally.
1020. Highway projects.

PUBLIC OFFICERS AND EMPLOYEES (18 U.S.C., 1905 CH. 93)

1905. Disclosure of confidential information generally.

Sec. 2. Principals.

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United

States, is punishable as a principal. (June 25, 1948, ch. 645, 62 Stat. 684; Oct. 31, 1951, ch. 655, § 17b, 65 Stat. 717.)

BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

18 U.S.C., secs. 201–203, 205–211, and 218

Sec. 201. Bribery of public officials and witnesses.

(a) For the purpose of this section:

"public official" means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government or a juror; and

"person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that he will be so nominated or appointed; and

"official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in his official capacity, or in his place of trust or profit.

(b) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(1) to influence any official act; or

(2) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of his lawful duty; or

(c) Whoever, being a public official or person selected to be a public official, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for:

(1) being influenced in his performance of any official act; or

(2) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) being induced to do or omit to do any act in violation of his official duty; or

(d) Whoever, directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom; or

(e) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity in return for being influenced in his testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom—

Shall be fined not more than $20,000 or three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(f) Whosoever, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

(g) Whoever, being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him; or

(h) Whoever, directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of his absence therefrom; or

(i) Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of the testimony under oath or affirmation given or to be given by him as a witness upon any such trial, hearing, or other proceeding, or for or because of his absence therefrom—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

(j) Subsections (d), (e), (h), and (i) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(k) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1119; Pub. L. 91–405, Title II, § 204(d)(1), Sept. 22, 1970, 84 Stat. 853.)

Sec. 202. Definitions.

(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term "special Government employee" shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, or a part-time United States commissioner, or a part-time United States magistrate. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified as a special Government employee. Notwithstanding section 29 (c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r (c) and (d)), a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.

(b) For the purposes of sections 205 and 207 of this title, the term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action. (Added Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1121; Pub. L. 90-578, § 301(b), Oct. 17, 1969, 82 Stat. 1115.)

Sec. 203. Compensation to Members of Congress, officers, and others in matters affecting the Government.

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress, Member of Congress Elect, Delegate from the District of Columbia, Delegate Elect from the District of Columbia, Resident Commissioner, or Resident Commissioner Elect; or

(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission, or

(b) whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Delegate, Commissioner, officer, or employee—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days. (Added Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1121; Pub. L. 91-405, Title II, § 204(d)(2), (3), Sept. 22, 1970, 84 Stat. 853.)

* * * * * * *

Sec. 205. Activities of officers and employees in claims against and other matters affecting the Government.

Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, otherwise than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided,* That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

Such certification shall be published in the Federal Register.

Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1122.)

Sec. 206. Exemption of retired officers of the uniformed services.

Sections 203 and 205 of this title shall not apply to a retired officer of the uniformed services of the United States while not on active duty and not otherwise an officer or employee of the United States, or to any person specially excepted by Act of Congress. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1123.)

Sec. 207. Disqualification of former officers and employees; disqualification of partners of current officers and employees.

(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to—

(1) any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) in which he participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, while so employed; or

(b) Whoever, (i) having been so employed, within two years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within two years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before—

(1) any department, agency, court, court-martial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) as to (i), which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility, or, as to (ii), in which he participated personally and substantially as an officer or employee; or

(c) Whoever, other than a special Government employee who serves for less than sixty days in a given calendar year, having been so employed as specified in subsection (d) of this section, within one year after such employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, anyone other than the United States in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of anyone other than the United States, to—

(1) the department or agency in which he served as an officer or employee, or any officer or employee thereof, and

(2) in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, and

(3) which is pending before such department or agency or in which such department or agency has a direct and substantial interest—

shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

(d)(1) Subsection (c) of this section shall apply to a person employed—

(A) at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code, or a comparable or greater rate of pay under other authority;

(B) on active duty as a commissioned officer of a uniformed service assigned to pay grade of 0-9 or above as described in section 201 of title 37, United States Code; or

(C) in a position which involves significant decision-making or supervisory responsibility, as designated under this subparagraph by the Director of the Office of Government Ethics, in consultation with the department or agency concerned. Only positions which are not covered by subparagraphs (A) and (B) above, and for which the basic rate of pay is equal to or greater than the basic rate of pay for GS-17 of the General Schedule prescribed by section 5332 of title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions of active duty commissioned officers of the uniformed services assigned to pay 0-7 or 0-8, as described in section 201 of title 37, United States Code, may be designated. As to persons in positions designated under this subparagraph, the Director may limit the restrictions of subsection (c) to permit a former officer or employee, who served in a separate agency or bureau within a department or agency, to make appearances before or communications to persons in an unrelated agency or bureau, within the same department or agency, having separate and distinct subject matter jurisdiction, upon a determination by the Director that there exists no potential for use of undue influence or unfair advantage based on past government service. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his responsibilities under this paragraph.

(2) The prohibition of subsection (c) shall not apply to appearances, communications, or representation by a former officer or employee, who is—

(A) an elected official of a State or local government, or

(B) whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.

(e) For the purposes of subsection (c), whenever the Director of the Office of Government Ethics determines that a separate statutory agency or bureau within a department or agency exercises functions which are distinct and separate from the remaining functions of the department or agency, the Director shall by rule designate such agency or bureau as a separate department or agency; except that such designation shall not apply to former heads of designated bureaus or agencies, or former officers and employees of the department or agency whose official responsibilities included supervision of said agency or bureau.

(f) The prohibitions of subsections (a), (b), and (c) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the department or agency concerned, or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

(g) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States before any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of his official responsibility, shall be fined not more than $5,000, or imprisoned for not more than one year, or both.

(h) Nothing in this section shall prevent a former officer or employee from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(i) The prohibition contained in subsection (c) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibition of that subsection prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

(j) If the head of the department or agency in which the former officer or employee served finds, after notice and opportunity for a hearing, that such former officer or employee violated subsection (a), (b), or (c) of this section, such department or agency head may prohibit that person from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, such department or agency on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. No later than six months after the effective date of this Act, departments and agencies shall, in consultation with the Director of the Office of Government Ethics, establish procedures to carry out this subsection. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1123; amended Pub. L. 95–521, Title V, § 501(a), Oct. 26, 1978, 92 Stat. 1864; Pub. L. 96–28, §§ 1, 2, June 22, 1979, 93 Stat. 76.)

Sec. 208. Acts affecting a personal financial interest.

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services. In the case of class A and B directors of Federal Reserve banks, the Board of Governors of the Federal Reserve System shall be the Government official responsible for appointment. (Added Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1124; amended by Pub. L. 95-188, Title II, § 205, Nov. 16, 1977, 91 Stat. 1388.)

Sec. 209. Salary of Government officials and employees payable only by United States.

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act.

(e) This section does not prohibit the payment of actual relocation expenses incident to participation, or the acceptance of same by a participant in an executive exchange or fellowship program in an executive agency: *Provided,* That such program has been established by statute or Executive order of the President, offers appointments not to exceed three hundred and sixty-five days, and permits no extensions in excess of ninety additional days.

(f) This section does not prohibit acceptance or receipt, by any officer or employee injured during the commission of an offense described in section 351 or 1751 of this title, of contributions or payments from an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code. (Public Law 85-507, 72 Stat. 327; 5 U.S.C. 2301-2319, July 7, 1958; Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1125; Pub.L. 96-174, Dec. 29, 1979, 93 Stat. 1288; Pub. L. 97-171, § 1, Apr. 13, 1982, 96 Stat. 67.)

Sec. 210. Offer to procure appointive public office.

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 210, formerly § 214, 62 Stat. 694, renumbered Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.)

Sec. 211. Acceptance or solicitation to obtain appointive public office.

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined not more than $1,000, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States. (June 25, 1948, ch. 645, § 211, formerly § 215, 62 Stat. 694, amended Sept. 13, 1951, ch. 380, 65 Stat. 620, renumbered Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.)

* * * * * * *

Sec. 218. Voiding transactions in violation of chapter; recovery by the United States.

In addition to any other remedies provided by law the President or, under regulations prescribed by him, the head of any department or agency involved, may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit, certificate, ruling, decision, opinion or rate schedule awarded, granted, paid, furnished, or published, or the performance of any service or transfer or delivery of any thing to, by or for any agency of the United States or officer or employee of the United States or person acting on behalf thereof, in relation to which there has been a final conviction for any violation of this chapter, and the United States shall be entitled to recover in addition to any penalty prescribed by law or in a contract the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof. (Added Pub. L. 87-849, § 1(e), Oct. 23, 1962, 76 Stat. 1125.)

* * * * * * *

"HATCH ACT"

18 U.S.C., secs. 595 and 598

Sec. 595. Interference by administrative employees of Federal, State, or Territorial Governments.

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization. (June 25, 1948, ch. 645, 62 Stat. 720; Sept. 22, 1970, Pub.L. 91-405, Title II, § 204(d)(6), 84 Stat. 853.)

Sec. 598. Coercion by means of relief appropriations.

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721.)

ELECTIONS AND POLITICAL ACTIVITIES

18 U.S.C., secs. 601–603

Sec. 601. Deprivation of employment or other benefit for political activity.

(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) As used in this section—

(1) the term "candidate" means an individual who seeks nomination for election, or election, to Federal, State, or local office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal, State, or local office, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(2) the term "election" means (A) a general, special primary, or runoff election, (B) a convention or caucus of a political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a nominating convention of a political party, (D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or of any State; and

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States. (June 25, 1948, ch. 645, 62 Stat. 721; amended Oct. 2, 1976, Pub. L. 94–453, § 1, 90 Stat. 1516.)

Sec. 602. Solicitation of political contributions.

It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both. (June 25, 1948, ch. 645, 62 Stat. 722; Jan. 8, 1980, Pub. L. 96–187, Title II, § 201(a)(3), 93 Stat. 1367.)

Sec. 603. Making political contributions

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.

(amended Jan. 8, 1980, Pub.L. 96–187, Title II, § 201(a)(4), 93 Stat. 1367.)

* * * * * *

Sec. 607. Place of solicitation

(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971. (June 25, 1948, ch. 645, 62 Stat. 722; Oct. 31, 1951, ch. 655, § 20(b), 65, Stat. 718; Jan. 8, 1980, Pub.L. 96-187, Title II, § 201(a)(5), 93 Stat. 1367.)

ANTI-FRAUD STATUTES

18 U.S.C., secs. 1001 and 1020

Sec. 1001. Statements or entries generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 749.)

Sec. 1020. Highway projects.

Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented.

Shall be fined not more than $10,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 753; Oct. 31, 1951, ch. 655, § 27, 65 Stat. 721; May 6, 1954, ch. 181, § 18, 68 Stat. 76; Oct. 15, 1966, Pub. L. 89-670, § 10(f), 80 Stat. 948.)

Chapter 93.—PUBLIC OFFICERS AND EMPLOYEES

Sec. 1905. Disclosure of confidential information generally.

Whoever, being an officer or employee of the United States or of any department or agency thereof, or agent of the Department of Justice as defined in the Antitrust Civil Process Act (15 U.S.C. 1311-1314), publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment. (June 25, 1948, ch. 645, 62 Stat. 791; Sept. 12, 1980, Pub.L. 96-349, § 7(b), 94 Stat. 1158.)

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**1982 STAA* is the 1982 Surface Transportation Assistance Act.